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MUNICIPAL ZONES

A Study of the Legal Powers of Cities Beyond their Incorporated Limits[1]

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New York

THE influence of a city, like that of any radiating body, increases with its size and its proximity. Beginning with a nucleus of houses about a fortress, a shrine or a market-place, towns expand along main thoroughfares, filling in new sections and building up suburbs, until a wide region is affected by their economy. Satellite cities are organized with regard to the industrial and commercial resources of a great metropolitan center. Indeed it is sometimes difficult to determine where one town leaves off and another begins, so gradual or so complete is their merging.

For political reasons, the boundaries of administrative districts have been sharply defined in order to prevent conflict of authority. It is a well established principle of public law, that within the same territory there cannot exist two distinct municipal corporations.[3] The jurisdiction of one city may not extend within the limits of another, save upon approval by the state government. A municipality has generally no powers beyond its boundaries, and, therefore, usually confines its activities to its incorporated area. The principle adopted by the English boundaries commission of 1835 is the one sought in marking off a city. That body endeavored "to relieve from all municipal burdens those who

[1] See NATIONAL MUNICIPAL REVIEW, Vol. II, page 520.

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[3] Dillon, *Municipal Corporations* (5th ed.), § 354.

cannot participate in all municipal advantages, and to include within the limits of each borough a population having a community of interest."

Unfortunately city limits once fixed do not always contain the whole community. A settlement may spring up just across the line. Its residents, although owning large business interests in town, have no political rights there. On the other hand, noxious industrial plants may be established at the very doors of a municipality, and its officers be powerless to abate the nuisance without an order from a higher court. Extensive improvements in laying out streets may be undertaken by the authorities of either place, with no assurance that such roadways will be continued or developed beyond the boundary. One town may vote for prohibition and the other may allow a row of saloons to line adjacent blocks. A police officer may see a well known criminal on the farther side of a marginal street and be powerless to arrest him. A river that once formed a barrier between two provinces may become the common waterway, reservoir and sewer for groups of cities that line both banks. In such cases it is clear that established boundaries interfere with uniform and efficient administration. This is the situation of many American municipalities to-day.

To meet such difficulties, several plans of unifying larger areas have been devised. Our system of townships and counties may be considered as the most general of these, in so far as a central authority controls certain judicial and financial matters concerning territory which includes both urban and rural districts. But inasmuch as the closely settled parts have peculiar needs, they seek special rights by incorporation, which insures them a more adequate local government. Such groups frequently absorb and outgrow township limits. Their relation to the county, however, may still be one of partial subordination, although they contain the greater part of its wealth and population. In this case the town may dominate the county by weight of a political majority. In order to obtain adequate public buildings and improved roads, it can simply outvote the rural districts. It frequently secures the election of its representatives to many of the principal offices and thus gains control of the whole machinery of administration.[4] But this political domination does not enable a city, as such, to exercise its peculiar powers beyond its own boundaries. It may influence action outside, but it cannot directly act.

A partial solution for this limitation is offered by joint boards, which administer certain agencies for several communities. The most familiar American example of this form of adjustment is the union of townships

[4] The council of the department of the Seine consists of the eighty members of the Paris council and twenty-one representatives from the two additional *arrondisements* outside the city. A *département* may be roughly compared to our county and an *arrondisement* to a township. Obviously the urban group here rightly preponderates.

for school and charity management. A direct pooling of interests by cities, towns, and villages is unusual in the United States,[5] although many private corporations serve several communities, and a few municipalities supply public utilities for adjacent settlements.[6] In Europe, however, joint action by local authorities is fairly common. Thus several English cities have representatives on water and sewage commissions with power over contiguous sanitary districts or extensive drainage basins. The Prussian *Zweckverbände* may comprise a city together with outlying territory, united for specific purposes and administered by agreement of the responsible authorities.[7] In France there are (1) intercommunal conferences arranged by municipal councils, but without executive powers; (2) *commissions syndicates*, to take the place of councils regarding undivided property; and (3) syndicates of communes for carrying out works of common utility, administered by a committee chosen from the communal councils.[8] But such extension of municipal power is restricted to the specific purpose for which it is authorized. Nor can a city exercise this partial control, unless permitted to do so by the central government.

The most direct method of enlarging the area of municipal jurisdiction is to annex contiguous territory. This may be accomplished by authorization of the state, even against the will of another municipality which is thus absorbed.[9] Power may be granted to a city to incorporate additional territory by mere resolution of the council acting under general laws.[10] By this simple procedure an urban center may surround itself with a wide margin of open country over which it has legal control. This extension of boundaries does not, however, affect the real scope of municipal authority. When old lines are outgrown, new limits are as definitely established.

It sometimes occurs that cities, in the process of expansion, absorb an entire county or parts of several. In this case the municipality itself may be erected into a county, substituting its own form of administration wholly or in part for that of the ordinary county. At the same time it usually gains additional powers, and is now subordinate only to the state. The exercise of this increased authority is, however, restricted to its own territory, so that a municipal county may be as powerless beyond its bounds as are small towns.

[5] Brooklyn Bridge Case (*People* v. *Kelly*, 76 N. Y., 475).

[6] *South Pasadena* v. *Pasadena Light and Water Co.*, 152 Cal., 579.

[7] Oertel, *Die Städte-ordnung*, S. 16.

[8] The last form constitutes a public corporation with a civil personality distinct from the component communes. Dalloz, *Dictionaire de Droit*, p. 302.

[9] *Hunter* v. *Pittsburg*, 207 U. S., 161.

[10] Dillon, *op. cit.*, §§ 353–355 (citing Indiana and Iowa decisions).

A great metropolitan center, like New York or Boston, may overspread several counties. The former has simply incorporated the territory of five adjacent counties within one municipality and subordinated their administration to that of the city. The latter is still a congeries of independent administrative units, whose common interests in water supply, sewage and outlying parks are controlled by state boards for the district. Such boards, or commissions, are not uncommon in this country. In London and Paris the policing of the metropolitan area is in the hands of the central government. While such administration secures uniform regulation within a wide urban district, and although the state boards are frequently composed of representatives from the places concerned, this form of administration is not an extension of municipal authority, but the reverse. Some of the powers of local government are vested in a body with wider jurisdiction, which is not directly responsible to the communities it controls.

When the social economy of a city extends across a state line, there seems to be no direct method of unifying its administration. With the consent of the respective states and of the federal authorities concerned, adjoining communities may engage in an enterprise affecting both, such as building a bridge over an intervening stream.[11] There is scarcely a doubt, however, that police powers derived from one commonwealth would not be effective within the limits of another. Agreement by the states in this regard would probably be a violation of the constitution, which prohibits their entering into any alliance or confederation. With the consent of congress and of the state legislatures, a new state might be erected within the urban area, as has been frequently advocated in the case of New York. The free cities of Germany—Hamburg, Bremen and Lübeck—have often been cited as illustrious examples of such municipal emancipation. But even city states have their well defined boundaries, and imperial cities are quite foreign to most modern constitutions.

The basis of our civil government is the state, which is the sovereign political organization of the people possessing a definite territory. Its function is to secure the safety and welfare of all persons within its borders. To accomplish these ends, its domain is subdivided into minor administrative districts. Local government, within limits set by the commonwealth, is delegated to these subordinate units. Therein they are obliged to conform to the general laws of the responsible authority vested in the state. From this point of view, a city is merely a territorial subdivision of a more comprehensive domain.

On the other hand, some social groups within the state have peculiar local needs and interests not common to the general population. They may have acquired certain historic rights established before the formation

[11] *Haeussler* v. *City of St. Louis*, 205 Mo., 656.

of the state itself. Compact centers of population, by reason of numbers and density, require special provisions for the maintenance of health, safety and order, which are not essential for sparsely settled regions.[12] This situation calls for additional power to enact and enforce local ordinances. Cities need sewage and water systems, extensive public buildings, parks, docks and bridges. Gifts may be offered to the community for the use of its citizens. Adequate action in such cases involves the acquisition and administration of property.

Although these functions might conceivably be exercised directly by the state, the principle of economy requires that it shall undertake only those things that are necessary for all the people. On the theory that those immediately concerned should bear the burdens for benefits conferred, the state, therefore, charters a municipality as a corporation with special privileges and duties. Although such grants are narrowly interpreted in this country and are ordinarily limited to the locality for which they are issued, certain functions of the corporation cannot well be restricted by its boundaries.

The general doctrine that a municipality can exercise its powers only within the corporation limits, is founded on the fact that it has no powers save those conferred by charter or statute, and usually only those powers are enumerated which are essential for the people within the incorporated area. But such a corporation may also do those things fairly or necessarily implied in or incident to the powers granted.[13] Hence a city having authority to furnish water for its inhabitants may go outside its boundaries to secure a suitable supply. While city purposes usually find their development within municipal limits, such purposes are not necessarily restricted to works within the city, as, for example, a bridge or a ferry giving access to the place.[14] All that need be shown is that such work is for the public welfare and reasonably necessary for the proper exercise of any power granted to the municipality.[15]

In this way a city may acquire adjacent lands for use as reservoirs, sewage farms, cemeteries, pest houses, parks, wharves, etc. Such extensions of municipal property are so common as to occasion no remark. As a general rule, cities cannot thus hold real estate beyond their boundaries, save by authorization of the state legislature; but unless restrained by law, a municipality may purchase such land as is essential to those public purposes for which the corporation was created.[16] Where this power is broadly interpreted, as in Germany, many cities have

[12] Dillon, § 353.

[13] *Ibid*, § 1028.

[14] *Matter of New York City*, 99 N. Y., 569.

[15] Dillon, § 1293.

[16] *Ibid*, §§ 976, 980.

secured large outlying tracts, which they administer as landlords, for the purpose of systematic suburban development.

Just what constitutes a proper public use is a debatable question. In this country we are accustomed to restrict municipal functions to essential services enumerated in the chapter. In Great Britain and Germany, cities have undertaken many additional lines of public service, such as transportation, housing, insurance, pawnbroking, etc. The growth of municipal trading has not only enlarged the scope of city authority, but it has also extended the territory which such corporations may control. For example, the English housing and town planning act empowers a city to secure land, outside its boundaries if necessary, for improving the living conditions of its people. In Germany the presumption is that a city may do anything not forbidden it by the general laws. Obviously such a rule allows the corporation to meet its growing needs by extending its property practically at will. A law like that in Missouri,[17] which empowers cities of the first class "to purchase, condemn, receive and hold property, real and personal, within and beyond their limits, to be used for cemeteries, parks, boulevards, waterworks, gas, heat and electric light plants, hospitals, poorhouses, workhouses, *or for any other purposes*" —points toward municipal expansion.

A city may own property that is remote from its boundaries, as is often the source of its water supply. It may hold in trust for charitable purposes lands beyond its limits.[18] The *McDonough Will Case* (15 How. (U. S.) 367) decided that real estate in New Orleans might be administered by the city of Baltimore, since nothing in the laws of Louisiana restrained such rights. Hamburg controls, as a part of its own domain, the port of Cuxhaven, which lies more than seventy miles from the mother city in the midst of another state. It is a fairly well established principle of law that, within its powers, a corporation may contract to do an act at any place other than where it is located.[19] So much may suffice to show that the powers of a municipal corporation tend to pass beyond its territorial limits.

But a city is not a mere private corporation. It is a public agency for general welfare. Accordingly, its authority to promote appropriate works is frequently buttressed by the power of eminent domain. Where the use for which property is required is a reasonable and proper public service, this power may be exercised beyond the city limits. The right of eminent domain is, of course, derived from the state; but the power of the legislature to delegate such right to a municipality cannot be questioned. If, therefore, a city is authorized to engage in public improve-

[17] Revised Statutes, 1909, § 8541.

[18] *Chambers* v. *St. Louis*, 29 Mo., 543.

[19] *Bank of Utica* v. *Smedes*, 3 Cow. (N. Y.) 662.

ments requiring land beyond its boundaries, it may exercise the power to condemn such property.[20] This procedure is ordinarily based upon a specific empowering act; but in certain cases the right of condemnation seems to be implied in granting the corporation authority to construct works which may extend beyond its limits.[21] The principle of excess condemnation, involving the taking of more land than is necessary for the actual improvement, has increased the power of English cities in this respect. The *Lex Adickes*, which permits Frankfort to lay out suburban areas and to reapportion lots among the owners after deducting areas for streets, is another long step in advance.

In this country outlying municipal property is usually held subject to the regulations of the governmental authority within whose territory it is located. That is, the city has such rights and duties regarding these holdings as a private person would have. The corporation may prevent trespass, appoint guards and otherwise protect its property; but generally it cannot enforce its ordinances outside of its own boundaries.[22] When authorized by the state, however, even this rule does not hold, and a municipality may exercise police powers beyond its corporate limits. Thus several cities control their parks, cemeteries and watercourses some distance away. Towns in Illinois may build and maintain ferries, bridges and roads to the same within five miles of the corporation; and such property with its approaches is subject to municipal ordinances as though it were situated within the corporate limits.[23]

Such authority may not be confined to municipal property, but may extend over the entire territory surrounding a city. For instance, Baltimore can prevent the introduction of contagious or infectious disease within three miles of the city on land and fifteen miles on water.[24] An early case (*Harrison* v. *Baltimore*, 1 Gill (Md.) 264) established the right of the city to enforce quarantine outside its limits through its own health officers. Chicago has power to regulate certain noxious trades within one mile of the city; and the Supreme Court of Illinois held that an ordinance requiring slaughter-houses within that distance to obtain a license from the city was valid against a company operating under a permit from an adjacent town.[25] The Indiana law of 1905 practically extends the police powers of municipalities in that state four miles beyond their corporate limits, since it empowers them within that radius to regulate

[20] Dillon, § 1028.

[21] *Helm* v. *Grayville*, 224 Ill., 274.

[22] *Strauss* v. *Pontiac*, 40 Ill., 301; *Robb* v. *Indianapolis*, 38 Ind., 49.

[23] Ill. *Revised Statutes*, 1909, chap. 24, § 194 a.

[24] Charter, § 6, p. 8.

[25] *Chicago Packing Co.* v. *Chicago*, 88 Ill., 221.

the manufacture and sale of liquor, to preserve peace and quell disorder, to prevent vice and punish criminals.[26]

In England the local police have authority in any county within seven miles of their borough.[27] "By-laws, made by a municipal corporation with respect to a franchise granted them with local jurisdiction beyond the limits of the municipality, are as binding upon persons going into the liberty as the by-laws of the city upon those who come within its walls."[28] In Prussia the minister of the interior may extend the control of the local police over adjacent communities; and, where the management of the force is not in the hands of a royal officer, it may be exercised by the *Burgomeister*.[29] Here, however, it becomes clear that this authority is not municipal in character, but is essentially a function of the state administered by the city as an agent. The same principle is obvious in French administration, where the urban communes are charged to maintain order through the rural police, with whose organization they have nothing to do.[30] The mayor in this regard, as in military matters, acts as a representative of the central government.

The power of urban taxation is also derived from the state, and is usually restricted to the municipal limits. But if outlying territory be directly benefited by a public improvement undertaken by the corporation, the latter may levy assessments.[31] Property is generally taxed *in situ;* but rolling stock, ships, etc., may be levied upon at the domicile of their owner. So companies are frequently assessed at their main office. New York City imposes a rate upon bonds possessed by its citizens, which represent property in various parts of the country. Such authority granted to a municipality enables it to draw revenues from holdings that are far removed from its boundaries.

Even political rights may be exercised by those who do not actually reside within a town. Thus persons engaged in military service, students and travellers do not necessarily lose their vote in local elections. Many people who spend most of their time away from the municipality still retain legal residence. In England a burgess may live seven miles beyond the town limits, and a councillor fifteen miles away. It should be noted that persons chosen for office may be compelled to serve under penalty of a fine. The theory here is that taxpayers are concerned in the economy of a city, and so should have a voice and assume responsibility in its management. Urban centers thus establish a fringe of citizenship and officialdom beyond their boundaries.

[26] *Revised Statutes*, § 8655, clause 40, 41, 47.
[27] *Municipal Corporations Act*, Pt. IV, § 191.
[28] Dillon, § 627.
[29] Oertel, *op. cit.*, §§ 435, 440.
[30] Law June, 21, 1898, art. 1.
[31] Dillon, § 1352 n.

The fundamental idea of municipal government is to invest compact groups of people having common interests with a unified and effective form of local administration. Such a community tends naturally to extend its agencies and to enlarge the scope of its authority to the full measure of its needs. This irradiation must, of course, be limited to prevent encroachment upon the rights of other communities. But many of the limits set to urban expansion are unquestionably merely traditional or arbitrary. A city may legally do anything that the state may allow it to do.

Municipalities should, therefore, be given the widest power consistent with general welfare to federate with neighboring communities for the purpose of effecting projects of mutual advantage. Within the bounds established for their own activity, the principle of home rule should prevail. This need not weaken the administrative authority of the state, but would rather increase its political coherence. The state, as well as the city, exists for the welfare of all its people; but the strengthening of municipal government secures order and economy within the most important centers of the commonwealth. As the ancient city produced the modern state, so must the modern state produce the greater city of the future. National efficiency has grown by the process of centralization; but the virtue of democracy rests in the power of local initiative.

CERTAIN ASPECTS OF CITY FINANCING AND CITY PLANNING[1]

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Philadelphia

THE genius of modern life is to do justice; and yet there is hardly a municipal bond issue by which injustice is not done. Bonds are issued to pay for the construction of things that will not last for the life of the bonds. Thirty-year or fifty-year bonds for street paving, which will have to be completely replaced in ten, or, at most, fifteen years, are constantly authorized. The taxpayers for the last fifteen years of the life of the bonds, in cases where they are to run for thirty years, and the taxpayers of the last thirty-five years, where the bonds are to run for fifteen years, are thereby compelled to pay interest and sinking fund charges for a thing which they cannot by any possibility enjoy.

This injustice is not confined to things that are completely obliterated before the end of the life of the bonds. The more common, though less glaring, manifestations of it are in the inadequate conception or execution of municipal work to be paid for through bond issues. All kinds of public undertakings are conceived, either with reference only to the needs of the present or of the immediate future,—of not more than the next decade. Fifty-year bonds are issued to pay for improvements which will be quite inadequate fifty years hence, and which will have to be greatly enlarged in capacity long before they are completely paid for through the amortization of the bonds. While a part of the original construction may be useful in the enlargement, frequently all of it is useless and the cost of its removal makes the total cost greater than if unoccupied ground were available. Thus underplanning entails avoidable expense and is, therefore, extravagance.

Failure or inability to foresee or want of courage to act in accordance with true vision is responsible for this waste in American municipal expenditures.

It is submitted that no issue of municipal bonds should be sought by city officials, unless the thing to be constructed by those bonds will last as long as the bonds themselves, and, further, unless it will be measurably

[1] An address delivered at the Sixth National Conference on City Planning.

[2] Mr. Crawford, who is a member of the Philadelphia bar, is the secretary of the art jury of Philadelphia and of the city parks association. He is a member of the executive committee of the National conference on city planning and of the National housing association.—Editor.

adequate for the needs of the community at the end of the life of the bonds as well as at its beginning.

The administration that is not consciously and conscientiously endeavoring to foresee and measurably to provide for the needs of the future should be confined in its expenditures to the income of the present.

I have referred to thirty- and fifty-year bonds. As it is becoming the fashion to authorize the issue of fifty-year bonds I shall hereafter refer to fifty-year bonds, noting now that what is said in regard to them is generally applicable to thirty-year bonds also, with an obvious reduction in proportion or in emphasis.

American cities double in population in twenty-five years. A city of 100,000 to-day will be 200,000 in 1939. This means that by 1964 it will have doubled again and be 400,000, a population four times that of to-day. This obvious result is not so obvious to the official who is thinking only of the present. I recently saw a computation of the future population of a city made by a newly appointed secretary of a city planning commission, in which he took the total growth of the last fifty years and assumed that the total growth of the next fifty years would be exactly the same. He assumed that the absolute figures would be the same, not the percentage. "Dealing in futures" has heretofore been a little known art in municipal operations. The figures given above show that in fifty years the average American city will quadruple in population. The logical conclusion follows, that if the thing now constructed by the proceeds of the sale of fifty-year bonds, is to be commensurate with the needs of the people who, in the latter years of the bonds' life, will be making use of that thing, and also paying interest and sinking fund charges thereon, the needs of a population approximately four times the present one must be considered if for no other reason than to avoid the doing of palpable injustice.

The efficient life of the thing constructed by the proceeds of municipal bonds should measure their term, that efficiency being measured by adequacy of service to the community, and city planning is indispensable to determine that length of efficient life of a municipally constructed thing. Hence the issuance of city bonds calls for city planning as a prerequisite.

I have purposely qualified the duty of to-day in this regard as being that of providing "measurably" for the needs of fifty years hence. To provide absolutely for such needs would compel us in 1914 to provide, and to pay proportionately for, a thing four times greater in capacity than required by us who have approximately but one-fourth the financial resources of 1964. That would be injustice to ourselves. How shall we adjust this difficulty? How shall we equitably provide payment for things needed now in a measure, which will hereafter be needed in the same, or a greater, or, conceivably, a smaller measure? This question will find

an answer to some degree in a differentiation among the things constructed by the proceeds of municipal bonds—a differentiation of which I give examples, not a catalogue.

In the case of outlying parks, we, who secure them, should pay the minimum. Fifty years hence these parks, now suburban, and now somewhat of a joyous luxury, will be indispensable to their urban neighborhoods. We should be able to issue bonds for such parks with a very small sinking-fund charge to-day, graded up to a very large charge fifty years hence—more: we should make park bonds run seventy-five or one hundred years and make their present amortization charges negligible.

The term of paving bonds should be in the neighborhood of fifteen years and the immediate amortization charge should be very heavy—the charge fourteen or fifteen years hence very light. We who have the pavement at its finest should pay the highest toll.

Stone and concrete bridges are expected to last for seventy-five years. Bonds issued to provide the money for them should run as long. It is more difficult to determine whether their amortization charges should be graded up or down, or kept at one figure throughout. In the case of centrally located bridges, perhaps the last course would be advisable. In the case of bridges in suburban territories, their future greater usefulness justifies a heavier future sinking-fund charge.

The system of main sewers may deserve a diminishing amortization charge—of main streets, an increasing one. Public buildings probably deserve a diminishing charge throughout—though possibly the summit of their serviceableness is neither at the end nor at the beginning of the life of the bonds issued from them, but at some period during that life—probably nearer its beginning than its end; the deterioration of the physical building must be considered and deterioration begins at once.

On the other hand bonds issued to provide funds for the acquisition of the real estate upon which public buildings are to be erected, clearly deserve an increasing amortization charge throughout. The division for taxation purposes, of land from improvements thereon, will show how markedly the former often increases in value while the latter decrease. Each other city improvement should be considered likewise.

It is true that some of these suggestions would require changes in state constitutional provisions before they could be carried out. But if city planning should contemplate a minimum of fifty years for physical results, a minimum argued for hereafter, a delay of four or five years in order to secure constitutional changes is not of paramount importance. Moreover, while the inquiry as to present legal capacities is obviously an important part of a city survey, city planning must necessarily contemplate changes in organic law from decade to decade; it is a part of city planning to plan future laws as well as future structures. Constitutional provisions and acts of legislatures will change during fifty years

anyway; there will be much gain if they are planned to meet city planning requirements *pari passu*.

The desirability of providing for graded amortization charges, though a constitutional change is involved, has been recognized. One example, of which, doubtless, there are others, may be found in a proposed amendment to the constitution of Pennsylvania, which passed the last legislature, but which will have to pass the next one and then be ratified by the electors. The amendment is to enable the city of Philadelphia to borrow three per cent over the existing limitations of seven per cent "for the construction and improvement of subways, tunnels, railways, elevated railways and other transit facilities, for the construction and improvement of wharves and docks, and for the reclamation of land to be used in the construction of wharves and docks, owned or to be owned by the city," and it provides, in part: "In incurring indebtedness for any one or more of said purposes, . . . the city of Philadelphia may issue its obligations maturing not later than fifty years from the date thereof, with provision for a sinking fund sufficient to retire said obligation at maturity, *the payments to such sinking fund to be in equal or graded annual installments.*"

It may be noted in passing that this amendment follows the admirable precedent, already established in other states, of providing that in regard to these two classes of improvements, the borrowing capacity of a city at any time is to be ascertained by excluding from the calculation a credit where the work resulting from any previous expenditure of loan moneys is self-supporting.

Obviously, all of these methods of municipal financing and each of these differentiations among its objects require the careful study, forethought and prevision that are of the essence of city planning; they necessitate city planning, if they are to be more than guesses.

It will not have escaped you that any consideration of municipal bonds in connection with city planning establishes the minimum for the time that should be contemplated in city planning. It does not necessarily establish the maximum. But the minimum usually is in practice the maximum. In Pennsylvania, just before the enactment of the minimum wage law, its opponents sought the support of a manufacturer who was known to pay the lowest of low wages, and they asked him: "Do you believe in the minimum wage?" To which he replied: "Sure I do, I pay it!"

If the needs of the population at the end of the life of bonds, fifty years hence, must be considered as a mere matter of justice, obviously, our city planning must contemplate fifty years as its minimum; if in practice that does become also the maximum, I am not satisfied that any harm will result. Think of the inventions or improvements in inventions made during the last fifty years, especially those affecting communication,—the telegraph, the telephone, the electric car, the motor car, the motor

truck and the German dirigibles—to suggest a few—and I think you will agree with me that it is enough to attempt to forecast the needs of an urban population four times that of to-day.

A striking example of changes in the problems we have to deal with in city planning was brought out by a report at the meeting of the third International Road Congress at Ghent in 1913, which S. D. Adshead thus abstracts:

A census of traffic taken on a fine Sunday afternoon in the spring of the present year on a certain secondary arterial road leading out of London, showed that the average number of vehicles passing in one hour was: Motor buses 50, motor cars 300, motor bicycles 50; bicycles 100, and horse-drawn vehicles 15. A fair presentation of the Saturday and Sunday crowd.

This particular section of the road chosen for observation was straight for about one third of a mile and had no cross roads. Deviations in its alignment at either end prevented excessive speed; but a computation showed that motor buses attained an average pace of fourteen miles per hour and motor cars twenty-five. It was a narrow road, being only twenty-six feet in width between the curbs, but it has a fine surface of wood block which has been recently laid.

Ten years ago it was paved with macadam and at the same time of day and on the same day in the year it would have been traversed by a continuous procession of cyclists, a few horse buses and other horse traffic of a lighter kind. Twenty years ago it was a carriage drive, a route for agricultural wagons and light tradesmen's carts, and it also provided a means of access to the metropolis for those possessed of a horse.

The changes in condition of usage which have overtaken this secondary arterial road leading out of London apply with equal force to roads leading out of every town of importance in Europe and America.

As in the period of twenty-five years the average city doubles in population, and as the terms of administration of city officials are becoming generally four years, it follows that each administration will see a growth of the city approximating the proportion of four years to twenty-five years, twelve per cent to fifteen per cent. In some cases it will be less; in others more. But each administration must prepare for a growth of upwards of fifteen per cent that will occur in the city's size during its term. This will be reflected chiefly on the city's perimeter but it will react also on the city generally, on the central portion especially and on the subcentres intermediately. The more intensive future use of the portions of the city already built requires our present more extensive preparation. Each administration should at least take care of the additions to the physical requirements of public service that will become needed during its term of office.

Municipal work may be divided into two grand divisions; one, the maintenance and operation of the existing municipal plant; the other, the planning and construction of additions thereto, and the replanning and reconstruction of portions of it. In respect to its plant, the commonly

accepted analogy that a city and its citizens resemble a corporation and its stockholders fails to be true, and hence is misleading. An ordinary corporation can stop its growth, if its directors or stockholders determine that it shall do so. The growth of the municipal plant cannot be stopped.

The maintenance and operation of the existing plant, to which the attention of municipal officials has been so largely given heretofore, is unquestionably of immediate and pressing importance, but the expert skill and knowledge required for planning for the growth of the city that will take place each year, each ten years and each fifty years is of a higher order than that required for maintenance and operation. Just as it takes a higher degree of expert knowledge and skill to plan and build a house than to make repairs to it afterwards, so it requires a better understanding of the problem, a more expert solution and more efficient construction work to plan and build the additions necessary for the future growth of the city, than to maintain and operate what has already been constructed. It used to be said that a carpenter could build a house and he did not need an architect to tell him how to do it; many cities have been built, and some are still being built by similarly self-satisfied municipal carpenters. It ultimately costs more money to correct a house badly planned or skimped in its construction, than to build it right in the first place, and it costs the city vastly more to reconstruct itself, where it has been planned on wrong, mean or short-sighted lines, than to construct it well on broad lines, in the first place. And the direct money cost is not the only cost. John Burns well said "mean streets make mean people"; and we may paraphrase the remark by saying that mean city planning makes a mean city, and a mean city makes mean citizens.

City planning, which has to do with all the elements that make up the physical city, involves not only planning but decision. The study of the one and the exercise of the other are as important duties as any to which a municipal administration can give its attention. During the course of any one day, or any one year, or any five years, this may not appear to be true; if the city were sure to cease to exist with the expiration of any such period, it would not be true; but, considering the entire future life of the city, not the dead past nor the fleeting present, but the far reaches of the future, it is true.

Fortunately the resources of a city increase with its needs. Failure to appreciate the fact that the annual income from taxation will be larger and the annual addition to the borrowing capacity of the city will be greater with each succeeding year, is the reason why the larger and larger plans prepared annually appear to be exceeding the capacity of the city. Our present plans, if they are to be adequate when materialized in the future, must be correspondingly extensive, based on an understanding not only of what the needs of the future will be, but of

what the financial ability of that future will be. It is difficult to persuade people that any plan to be carried out in twenty-five years, for which the present capacity of the city is sufficient, is to be regarded because of that fact alone, as probably inadequate, as probably providing for a result at the end of those twenty-five years that will not be commensurate with the then existing needs; the sufficiency of the present capacity of the city to finance the plan throws the burden of proof on its proponents to show the enduring sufficiency of the plan itself.

Certain of the more direct financial considerations that have to do with city planning have been discussed at these conferences. The method of paying for various kinds of improvement, through assessments on the property benefited, has been emphasized as an admirable American method, where the sole question is how to finance a municipal improvement. The method of excess condemnation, where, in addition to providing, in whole or in part, for the cost, it is desired to exercise some control of abutting property, as by the regulation of occupation, the recasting of lot lines, the determination of lot and building widths and depths, the determination of minimum, maximum and proportionate heights of buildings, the regulation of the relation between buildings on adjoining lots, the prohibition of blind walls—again a suggestive list, not a catalogue—has been urged as a European method, desirable, and, if these ends are to be obtained, necessary for adoption here. Considerations of expediency will determine which method is the more available in individual cases. Generally, in undeveloped sections, assessment for benefits is the better method, while in developed sections, excess condemnation is preferable.

It should be borne in mind that where the power of excess condemnation is used, any loss as well as any gain will be the city's, whereas in the case of assessments for benefits, the loss, if loss there be, will be the property owner's. Greater justice is thus often secured by excess condemnation.

Frequently, the combination of the two methods will be advantageous: to condemn immediately abutting property to a desirable lot depth and control its development by the creation of easements, will spread the resulting increase in values over a greater territory than if such abutting property were left uncontrolled in private hands. Immediately adjoining the excess area so condemned, there will be consequently an enlarged area subject to assessment for benefits. And, in addition to the returns, in the one case, from the sale of the excess property, and, in the other, from the special assessments, both areas will thereafter return annually a larger sum in taxes than before, thus taking care of proportionate interest and amortization charges on bonds that may have been issued to finance the work; or, if no such bonds were issued, thus securing a greater income for

general municipal uses. The territory actually feeling an increment in value will exceed both areas.

In his admirable paper, entitled: "Paying the bills for city planning" delivered at the Boston conference on city planning, Nelson P. Lewis showed the justice of assessing the cost of rapid transit systems on the properties within their spheres of influence. A recent Philadelphia investigation confirmed the experience of New York City in this regard, by showing that a newly constructed rapid transit line so concentrated the normal general increase of the entire residential areas of the city within its own sphere of influence, as to cause an actual loss for six years in all the other residential areas combined, despite the erection of some 21,000 new houses in these other areas.

These experiences enable the exercise of municipal economy in another important respect.

Before a city proceeds to the undertaking of the construction of such lines, or before it permits their construction, the city should acquire the real estate it will need for all public purposes, whether for parks, playgrounds, parkways, streets, school-houses, police and fire stations, public libraries or what not, in the territory that will be tapped; otherwise, if it waits until it has enormously increased the value of such property and the amount, therefore, which it will have to pay, it will be guilty of rank folly. Elementary prudence dictates action before this unearned increment has actually accrued—unearned, that is, by the owners' money, but earned directly by the city's expenditure of money paid by the taxpayers, where the city constructs the system; and this increment begins long before completion of the new lines. City planning enables the exercise of similar far-sighted economy by present-day expenditure, in many respects other than the rapid transit system—parkways, other main thoroughfares, parks, river front improvements—in fact in the case of every public work where real estate, increased in value by its proximity to one public work, will be needed for another municipal service in the reasonably near future.

It will be observed that I am not here insisting upon the effect of the opening of parks, for instance, on adjacent land values. I am taking it for granted that there is no longer need of persuasion on this point; such testimony as the following: "During the sixteen years following the laying out of Central Park, the average increase in the assessed value of real estate in the other parts of the then city of New York was about 100 per cent while in the three wards then adjoining the new park, the increase was approximately 800 per cent";—has been duplicated in greater or less degree so often, that we are now able to exercise more far-sighted economy. Prompt expenditure is often the truest economy.

The broader financial aspects of city planning are frequently so general and illusory, so incapable of mathematical demonstration, that they

have not been appreciated in America at anything like their financial worth to the community.

The manifestations of this monetary benefit fall naturally into two classes, namely, the benefit to citizens through the attraction and circulation of outside money, the magnetic cause of which is to be found in certain city-planning works; and the benefit to the city treasury in the addition to the city's annual income caused by higher assessments for taxation purposes of properties within the spheres of influence of such works. As an example of this lack of appreciation of opportunities, consider the great sum annually lost by American treatment—if utter neglect of glorious opportunities can be called "treatment"—of their municipal river banks. Think, first of course, of the beauty and attractiveness of European water-fronts, the Thames embankment with the Hotel Cecil and other high class properties crowding to its edge; the Seine; the hundreds of other European city rivers; and then, secondly and soberly, and in your counting-houses, compute the municipal money value of those works; in your calculations, assess the actual values of the properties fronting on the Seine, and compare them with what they would be if the Seine looked like the Chicago river; or the Schuylkill below Callowhill street in Philadelphia; or Jones' Falls in Baltimore; or the Anacostia Flats in Washington. Compare the actual values of the properties fronting on the Thames embankments with what they would have been if the river's banks looked the way they did at the beginning of Queen Victoria's reign. Then apply your tax rate to the differences and you will get an index to the primary loss caused by our American ignoring of the scenic value of river fronts. I am emphasizing the municipal value of riparian developments, mainly non-commercial, but there is a spirited, kaleidoscopic, fascinating scenic value and, hence, financial value, to the municipality in commerical water-fronts developed by masters who seek by-products as well as direct results.

So far, of the loss to the city; now of the loss to the citizen.

Compute the value to the citizens of European cities of their river fronts. How much money would Parisians *not get a chance at*, if their river were as dilapidated, as uglified as ours are generally? The sums left by visitors to Paris each year are variously estimated from $50,000-,000 up to several times that sum. How much would Parisians lose if the Seine were not a gigantic work in sculpture?

There are not wanting indications that the financial value of a beautiful thing to the community as individuals as well as a municipal corporation is becoming more widely appreciated. In a recent decision concerning the Fairmount parkway, Judge Sulzberger, of the court of common pleas of Philadelphia County, said that such a feature "has an effect directly utilitarian. It increases the attractiveness of the city, induces strangers to visit it, and thus enlarges trade and commerce."

It is a pleasure to note that we are beginning the redemption of our water fronts. Boston has begun it—true in a hesitating, apologetic way, so as not to offend Beacon street!—still it has begun it. Toronto promises to do vastly better. The combination of a commercial and non-commercial development promises to set the precedent for American cities that has been needed so long. The early realization of its plans is, therefore, a matter of financial concern to practically every American city.

If beauty pays, how much does ugliness cost? Do we realize how dearly we are paying every year for our investment in rectangular, gridiron schemes of unattractiveness? City treasuries are losing money and citizens far more. Let us never forget, when discussing parkways, river embankments, park and playground systems, group plans and other physical developments, that there is another side to the picture, the side of the city without parkways, without river embankments, without parks and playgrounds, without civic centers,—the city crowded with overhead wires, with its sidewalks covered by overhanging, threatening signs, the curbs lined with ugly street fixtures. Which pays? Which costs?

FINANCING SMALL HOUSES[1]

BY JOHN IHLDER[2]
New York

MOST human minds are so constituted that they cannot confine their attention to negatives for any considerable length of time. The law since—and probably before—the time of Moses has dealt chiefly in negatives. Thou shalt *not* do certain things specified; but all else is permitted until a new law imposes a further restriction. Such prohibitions are essential to any orderly progress. They are the rules of the game without which there could be no game, and since the beginning of time the rule maker who made wise rules has been honored. But for the rest of us, learning the rules is merely the starting point. After that comes the really interesting task of working, according to the rules, better than anyone else. This we call "constructive." And it is interest in constructive work that has begun to grip many who see the need of bettering our housing conditions. Laws we must have which will forbid our sacrificing the fundamentals of wholesome housing, such as light, air, sanitation, water supply, privacy, protection against fire. Then the field lies open; with these rules accepted who can show us how to provide dwellings that are both better and cheaper than the ones we now build?

Of course this game is old. It began before any records were kept. In modern times the commercial builder has made great progress in it. Recently a combination of business and philanthropy has added a new feature or two. For all that there seems still to be more unlearned than has yet been learned. A new zest has been given by the housing movement that has spread across the country with such remarkable rapidity during the past four years. The commercial builder and the architect have made the dwellings of well-to-do citizens marvels of convenience—at least they would be so considered by past generations—but they have not done so much for the every-day citizen. To be sure they have given him lights and tubs and toilets, which he already considers necessities and which the rules of the game now often require. But they have either packed him into a flat or given him a house which presupposes the existence of non-existent servants.

Is this the best that can be done for him? Must his family sink its individuality in a modern cliff dwelling or else support the butler's pantries of the plutocrat? Several conferences during the past winter have de-

[1] See article on "Housing at the Los Angeles Conference," Vol. II, page 68.

[2] Field Secretary, National Housing Association. Editorial writer, Grand Rapids Evening Press, 1902–1908. Secretary, Municipal Affairs Committee, Grand Rapids, 1908–1910. Cornell University, B.S. 1900.—EDITOR.

clared that it is not; but if it is not there are some questions to be answered. The number of these questions is indicated by the special committees appointed on the recommendation of the section meeting on factors in the cost of small houses at the last conference of the National Housing Association.

These committees are to study:

Methods of financing small houses.
Materials and cost of construction.
Street improvements.
Land subdivision.
House plans.
Accounting methods.
Methods and costs and social welfare.
Effect of building and housing codes on cost of construction and maintenance.

So far the first question has taken most of our attention—which perhaps is not surprising in view of the practical nature of the subject. There are in various parts of the United States and Canada a number of individuals and organizations which have undertaken to build improved wage-earners' houses. Each is keenly interested in all the phases of the others' work; type of house, floor plans, thickness of walls, building materials; but first, last and all the time, each wishes to know how the others get their money. Some, with very short experience, believe that if this question is answered, the rest will be easy. Some, with rather longer experience, know that after financing comes building, and that building, especially when every cent counts, presents problems that have not yet been wholly solved. Their dream is that management will prove easy. Those with the longest experience have learned that no part of the game is easy. But they have also learned that the game is so interesting that once in it they won't drop out.

It was financing that held the center of the stage during the past winter. There are two rules in this financing; First, dividends must be limited to a fair return on the investment. So far this has been held to be five per cent or six per cent net. It is no part of the game to gamble on speculative rises in value, for the houses are to be provided at as low a price or rental as is commercially feasible. Nor is it any part of the game to provide houses on the basis of charity. They must pay a fair return on the investment. Second, a reserve or sinking fund must be created that will enable the owners to scrap the houses when they have outlived their usefulness, say in forty or fifty years. These builders do not propose to inflict upon their cities in the future the burden those cities now bear in the form of antiquated dwellings whose owners apparently labor under the delusion that a building is never worn out unless it falls down

The first conference of the year at which the question of financing was

discussed was that of the National Municipal League at Toronto, last November. There G. Frank Beer, president of the Toronto Housing Company, presented a paper describing the Ontario method.[3] He started with the following assumptions: A large amount of money is needed; for Toronto, like most other thriving industrial cities, is woefully underhoused so far as the wage-earner and especially the unskilled wage-earner is concerned. This money must be obtained at a cheap rate of interest in order that rents may be kept down. Large amounts of money at cheap rates of interest are not to be obtained through private agencies, at least not in a new country where investors find tempting chances for investment at two or three times 6 per cent. "Ontario as a whole and Toronto in particular is faced with a development which demands our entire financial resources to supply the necessary industrial expansion and trade credits." Then he added: "Housing is a *communal* responsibility. If individual initiative fails to supply decent houses in which our citizens may live, it is the duty of the city or state to supply the need, or to bring about some means by which the need will be supplied."

So the group of men represented by Mr. Beer secured from the provincial legislature an act authorizing a city to guarantee the securities of housing companies up to eighty-five per cent of their value. The plan embodied in the act is as follows:

1. Permission to form under the joint stock companies act a company having a share capital and the necessary powers to carry out the objects in view. Shares in such company to be sold at par and to an amount sufficient to provide the necessary margin for the securities to be issued by the company. If the shareholders provide fifteen per cent of the cost required to purchase lands and erect dwellings, etc., the municipality may assist by its guarantee of securities in raising the balance.

2. If the council of the municipality is satisfied that additional housing accommodation is urgently required and that the main object of the company is to give *bona fide* help in supplying such need and is not to make profit, the council may pass a by-law authorizing and providing for the giving of the guarantee. The act also provides that the council or a committee of the council, before the guarantee is given, must approve of the location of the lands and of the general plans for the houses.

3. Provisions are made with reference to the deeds of trust, the kind of securities, form, etc., and for the issue of further securities from time to time as additional lands are acquired and improvements made, provided however, that the total amount of guaranteed securities outstanding shall not exceed eighty-five per cent of the value of the lands, dwellings, etc.

4. The council of the municipality guaranteeing the securities shall appoint a member of the board of directors of the company. The books of the company shall at all times be open to inspection on behalf of the municipality.

[3] See National Municipal Review, Vol. III, page 237.

5. No dividend on the capital stock of the company shall be paid exceeding six per cent per annum.

6. If the municipality desires to acquire the holding of the company it may do so by purchase of the shares in the open market or by the company passing a by-law transferring its holdings. In such case no greater premium than ten per cent shall be paid for the shares of the company.

7. The principle embodied in the act is that the municipality may ultimately become the owner of the properties but as municipal management is not likely to prove as efficient as management by private individuals deeply interested in this work, the creation of a board of trustees is provided for to receive and hold the shares purchased, given or bequeathed. This board shall be established upon terms agreed upon by the company and the municipality.

8. To prevent any watering of stock or the making indirectly of any profits by land-owners, contractors, etc., the act provides that no stock in the capital of the company shall be sold for any consideration other than cash, and that money received by the company on account of its capital stock shall not be used for expenditures not connected with the carrying out of the main purpose of the company.

9. An important provision is likewise included whereby the guarantee of securities by the municipality is made possible without a vote of the ratepayers if the by-law providing for such guarantee is approved of by the provincial board of health.]

The three underlying principles, said Mr. Beer, are: private initiative government encouragement and guidance, public coöperation.

In the discussion which followed it was argued that this plan embodies certain dangers. First, there is the upsetting of our theory of the function of government. The function of government has been, to most of us, the holding of the scales, seeing to it that the members of the community deal with each other fairly and in such a way as to best serve the interests of all. It is *not* the function of government, according to this theory, to become a competitor while at the same time retaining the judicial office. However that may be, the practical question is, what will be the effect of having the government build houses, or loan its credit for the building of houses? Leave out the item of unfair competition with other builders who must pay commercial rates for their money—it is argued that commercial builders either are not erecting houses for the class of people under consideration, or, if so doing, are erecting houses below a wholesome standard which consequently are against the public welfare. Consider only the effect of the government both setting minimum standards and at the same time building houses. The government at once faces this dilemma, an unusual dilemma, for it has at least three horns: the houses must conform to the standards set, they must pay a fair return on the investment, they must rent within the means of the unskilled workman.

It is assumed that the standards are the minimums which will permit of wholesome family life. It is known that these standards are not met in the houses now occupied by the people whom it is proposed to reach, otherwise the question would never have been raised. The government's advantage is that it can get money at one or two per cent cheaper than competing builders. This is a small margin and so far as experience shows is not enough to enable it to rehouse, with a five per cent or six per cent net profit, the family of small income at the same rent that family had paid before. Moreover there are some compensating disadvantages. The government, or its subsidiary company, must set aside a sinking fund to pay for the houses when they have outlived their usefulness. Its private competitors often carry no such charge, though perhaps they should, but hope for a rise in land values to recoup them when the building must be demolished. The government then is likely to find itself sooner or later asked; first, to lower its standards—the United States government and the city of Boston have recently agreed to break, or at least bend the law limiting the heights of buildings in Boston so that a federal skyscraper may be erected; second, to forego part or all of the interest due on the investment—that is, make a grant in aid of wages to its tenants; or third, to raise the rents to such an extent that a considerable proportion of the population, and the part that needs it most, cannot afford to live in the municipal dwellings.

Of course there are other things that the government could do. It could exempt wage-earners' dwellings from taxation, which means a grant in aid of wages in somewhat different form. This is proposed in Massachusetts. It could enact minimum wage legislation that will enable the worker to pay an economic rent. But if it does that, what is the use of its facing the dilemma at all? And is its position not weakened if it says to the employer, in effect, you must pay higher wages so my tenants can pay me a profit on my investment?

Then came another argument. The whole scheme is based upon the theory that the government is going to aid a certain class in the community. In the United States, at least, it is unconstitutional to spend public money for the benefit of a class in the community. There are numerous court decisions based upon the giving of bonuses to manufacturers and there is the opinion of the Massachusetts supreme court upon the proposal of the homestead commission to use state money in building homes.[4]

Even if it were constitutional, is it good public policy? There are other classes in the community which find the struggle to maintain a good roof over their heads almost or quite as difficult as that of the skilled wage-

[4] See *The Commonwealth of Massachusetts House No. 2339 of 1912.* Since this opinion was given an amendment to the constitution has been drafted which has passed the legislature and will probably be submitted to the people next year.

earner who is being provided for in Toronto. And, in strict justice, if they are to be given government grants of money or credit, why should not all? We are assuming that the discussion deals only with those who are considered self-supporting, not with dependents, defectives or delinquents who are generally acknowledged to be proper subjects for government aid or support. Is it not well to maintain this classification? Then, if need be, we can move the line up, classing as dependents those who are not able to earn enough to support themselves decently. Perhaps this raising of the line would take it above the heads of many industrious workers who are sound physically, mentally and morally. If it did we would have to answer some questions that we now incline to shirk, and that government grants in aid of wages[5] may enable us to continue shirking. Why should not a sound, industrious man be able to house his family decently on his earnings? Is it because he himself lacks training or opportunity? Is it because someone else is profiting unduly at his expense? Is it because of other reasons that we should know and can change? Answering these questions probably would involve more work than granting government aid, but is it not work that we shall have to do sometime?

Mr. Beer said that "housing is a *communal* responsibility." Later, at the National Housing Conference in Cincinnati, W. S. B. Armstrong, secretary of his company, compared the provision of houses in a community to the provision of sewers, which is usually undertaken at public expense. Sewers are provided, theoretically at least, and we hope that some day they will be actually, for the entire population. There is no definite proposal yet that houses be so provided. There then arises the question, for the benefit of what section of the community are they to be provided? Mr. Beer said, "In making provision for that class of labor which industry so much requires, it will give a tremendous impetus to manufacturing in Ontario." And again, "Large employers of labor may work with the municipality in supplying houses for all their employees. This is a *better way* of advancing municipal development than by *bonusing*.[6] Let the cities and towns of Ontario offer as an inducement for new industries a municipal guarantee of housing bonds, care being taken to provide a sinking fund ample to retire the bonds well within the usable life of the buildings. So the housing conditions of the municipality would be benefited, the workers provided with suitable dwellings, often under present conditions a matter of gravest difficulty, and the well-being of the whole community would be secured rather than the advantage of any one class." Again, "We do not claim that this is a solution of the *slum problem*. So far the Toronto housing company has engaged itself

[5] It was claimed that the Ontario plan is not a government grant in aid of wages. See discussion later.

[6] The italics are Mr. Beer's.

only to provide housing for the working men upon whom so large a share of our progress depends. Later on we may do something for other classes of labor. The act provides for the whole principle of housing."

Immediately the question was raised, "Is not this simply another form of bonusing?" Admitting that the act provides 'for the whole principle of housing,' is there any serious proposal to extend the operation of that principle both up and down so as to include the whole community? Admitting that to provide factory employees with good homes partly at public expense will, indirectly, benefit the whole community, how does the argument differ from that advanced in support of straight bonuses which brought new industries and new wealth into the town?

The answer to this was that it is not done at public expense. The government does not advance any money, but simply loans the use of its credit. Without government guarantee, however, it was claimed, the bonds could not have been sold on a five per cent basis, as the Toronto bonds were. Evidently the money was available if the security was ample. The inference was that investors were doubtful as to the ability of the company to meet its obligations, but were confident that the city of Toronto could make good any loss. There probably was no justification for such doubt on the part of the investors; the well-managed Washington sanitary improvement company for instance has persuaded its community that there are few safer investments than that afforded by its five per cent stock. But this doubt apparently was the cause of reluctance to invest without government guarantee. Now admitting, for the sake of the argument, that the fear is justified; if the company extends its operations to such an extent as to meet fairly adequately the needs of the artisan population—taking no account of the pressure that is sure to be brought to bear upon it to provide for those of smaller earning capacity and thereby assume greater risks—is there not danger that it will begin to impair the city's credit? Is there not a chance that interest on city money, borrowed not alone for housing, but for the ordinary purposes of city government, will rise until city money is no longer cheap money? And in that case is not the city paying for the housing of a part of its population?

The answer is that this is far fetched. Perhaps; but the whole question is so big, a little beginning may lead to such great consequences, that far fetching may not be entirely unprofitable.

The above account adds to the discussion at Toronto parts of discussions at other places. For Mr. Beer later presented the Ontario plan of financing at the housing conference in Cincinnati, where it aroused great interest, though two other methods shared the attention of the delegates. One of these was the purely private company plan, so successfully carried out by the Washington sanitary improvement company whose $500,000 of five per cent capital stock has a waiting list of would-be purchasers.

The methods of this company were described in detail at the housing conference the year before. Prudent and careful management has, during the sixteen years of the company's existence, so increased its assets that it now has a surplus of $190,000, and its dwellings are said to be in practically as good condition as when they were erected. It has paid without interruption five per cent on its stock since the first year of its existence.

This company was taken as a model by the Cincinnati sanitary housing company, which was in process of organization at the time of the housing conference in December. It proposed to raise through subscriptions a paid-up capital of $500,000 with dividends limited to five per cent. It has not found this an easy task, but the outlook is promising.

The other plan presented at Cincinnati was that of the Massachusetts homestead commission. Strictly speaking, the Massachusetts homestead commission presented three plans, though the greater part of the discussion dealt with the third. First was the limited dividend company, such as the Washington and Cincinnati companies above described. Second was what it calls homestead aid, which applies the principle of the building and loan association to collective developments with participation by the resident. Third was the copartnership plan, distinguished by collective ownership of the property, each resident renting from the company, of which he is a member.

"The advantages of this plan are far reaching," said Arthur C. Comey, the member of the commission who presented it. "Capital may be secured at a very low rate; economies will be effected through wholesale operation and responsibility by the tenant in the property, and he is secured from loss if he has to leave."

The plan is as follows:

A prospective resident must be approved and must take up two shares of common stock. He will pay a reasonable rental and share all surplus profits. Dividends on rent and common stock will be credited in common stock until the value of twenty shares is reached, outside capital being gradually retired. The cost of repairs will be deducted from the twelfth month's rent and the remainder remitted, thus further encouraging care in the use of property. The resident can invest his savings in the company at five per cent. Ownership being common, not individual, he is secured from loss if he has to move away.

The directors will ultimately be elected by common stockholders, but preferred stock will be represented until common stock is about one half paid up. Shares shall be 500 common and 1,500 preferred, of $100 each. Common stock shall be paid not less than ten per cent upon allotment and installments of one dollar per month per share. Dividends shall not exceed five per cent. Preferred stock shall be paid in full, dividends not to exceed five per cent cumulative. It may be retired at par on a year's notice. First mortgages at five per cent will be placed on completed houses up to sixty per cent of their value. A reserve fund

shall be established after Preferred dividends are paid, at the rate of one per cent per annum until it equals the value of the stock.

With 2,000 shares subscribed 250 houses can be built. The committee will secure options and call a meeting when about one fifth is subscribed.

Mr. Comey in the course of his statement also argued for government aid in financing housing developments, saying that nowhere in the world has private initiative solved the housing problem, consequently it is necessary to seek government aid.

Issue was at once taken on this point. Mr. Armstrong of the Toronto housing company declared that government aid is not wanted; that the only assistance or aid that constructive housing wants from the government is some form of legislation that will enable us to get large amounts of capital at a low rate of interest. The improvement of housing must be a business proposition. Another delegate asked if, in view of Mr. Comey's statement that private initiative has everywhere failed, he could point to an instance where government aid has succeeded in solving the problem. In reply he referred to a report for which the commission was gathering data that would probably contain the information.

Mr. Armstrong further contended that copartnership housing is not, necessarily, a government aid proposition, that the fundamental idea in it is community or company control. To the uninformed workingman this means restraint to which he objects, but this restraint is far outweighed by the advantages the plan provides. Other delegates differ from this view, maintaining that there is a moral advantage in free ownership of one's home that the copartnership plan loses. The reply was that it substitutes something of even greater value, a sense of community responsibility. Then came a counter attack on individual ownership; the burden of taxes makes the small house owner oppose public improvements; the burden of paying for the house makes him stint his family on food and clothes; and in the end he has a property whose value may be depreciated at any moment by the action of neighboring owners over whom he has no control.

The financial phase of the plan was sharply attacked. Andrew Wright Crawford of Philadelphia[7] declared that coöperation has always been a failure in America and that one of the points claimed in favor of copartnership shows it will ultimately prove a failure in England. Under copartnership labor is assured of mobility because the working man may quickly move from place to place as the copartnership company will, on demand, take his house off his hands. But some day the company will fail and so be unable to pay for the property.

The possibility of financial failure was admitted by advocates of the plan, but one of them, George E. Hooker of Chicago, instanced the great coöperative organizations of Great Britain which, after successive

[7] See NATIONAL MUNICIPAL REVIEW, Vol. III, page 474.

failures, have finally struck life and are now among the great business organizations of the country. He was not sure, however, that housing need be considered on a business or profit-making basis, any more than a school or college education, which is not paid for according to value received. But on this point there is apparently difference of opinion in the land from which he drew his illustrations as to what is sound principle for a recent report of the unofficial land inquiry committee (Great Britain) states that the housing problem will be solved only by ensuring the laborer such a rise in wages as will enable him (a) to live in a state of physical efficiency, and (b) to pay a commercial rent for his cottage.

In this discussion Augustus Thorndike, bank commissioner of Massachusetts, told of the opportunities a would-be home owner has in his commonwealth. There are in the state 450 savings banks and coöperative banks with deposits of nearly $950,000,000. The savings banks, which are mutual banks, have $450,000,000 invested in 140,000 mortgages on real estate; the coöperative banks have 150,000 share-holders and they have 47,000 mortgages on real estate. These coöperative banks are owned by their share-holders and will advance eighty per cent of the cost of a home to any one who has accumulated savings equal to twenty per cent of its value, the security committee, selected from the shareholders of the banks, certifying that the value of the property will be twenty per cent more than the amount of the loan.

One other method of financing small houses was described by Dr. Lee K. Frankel of the Metropolitan life insurance company, at the Massachusetts city and town planning conference held in Boston last fall. Dr. Frankel had, at the National housing conference a year before, described the method by which the Metropolitan advanced approximately $650,000 to a building company for the erection of small houses in Brooklyn. The price of a house was $5,500. The life insurance company took a first mortgage of $3,250 payable in semi-annual installments during a period of twenty years. The building company took a second mortgage of $1,500 payable in quarterly installments during a period of twelve years. The purchaser made an initial payment of $750. This figured out, with taxes, water rates and fire insurance, a total annual payment of $522.98 during the first twelve years, or an average of $43.58 per month, and a total annual payment during the last eight years of $346.70, or an average of $29 per month.

At the Boston conference Dr. Frankel described a more recent experiment by the Metropolitan in assisting in the erection of small houses, which indicates that the funds of these great corporations can be used to improve housing conditions for people of smaller means and, by so doing, improve the health of communities of which their policy holders form so large a part. This second experiment was made in coöperation with Frank A. Seiberling, president of the Goodyear tire and rubber company

of Akron, Ohio. The insurance company loaned $86,000 for the construction of houses on the outskirts of Akron. This loan was made to Mr. Seiberling and is doubly protected by a mortgage on the individual houses and a bond by the Goodyear Heights realty company, a subsidiary of the Goodyear tire and rubber company. These houses form part of a garden suburb development which is convenient of access to the factory and to the center of the city.

The land was purchased as acreage at $300 per acre, making the purchase cost of the 100-acre tract $30,000. Improvements, excavating, road and sidewalk building, sewers, grading, planting, etc., brought the total cost to $210,675 which was distributed among the 430 lots into which the tract was divided. Some of these lots sell as low as $240, others as high as $760. The Goodyear company disclaims any intention of making a profit on the development, its purpose, apparently, being similar to that of some of the subsidiaries of the United States Steel corporation and other manufacturing concerns which build dwellings for their employees and rent them at low rates on the theory that, while they do not bring in a direct return on the investment, they do increase the efficiency of the business, and thus pay for themselves.

The selling price of house and lot is then figured on an actual cost basis, to which twenty-five per cent is added in order to prevent speculation on the part of purchasers. On this amount two mortgages are placed, both at six per cent. The first mortgage is taken by the Metropolitan life insurance company for about one half the value of the property; the second by the Goodyear company, covering the balance of the purchase price. No initial cash payment is demanded. The purchaser pays the Goodyear company in semi-monthly installments, the first mortgage being paid off in fifteen years, the second in twelve. Opportunities are given the purchaser to make additional payments at any time within these periods. At the end of five years the company credits the purchaser with twenty-five per cent of the purchase price, plus interest.

Dr. Frankel presented a series of tables showing just how this plan works out and how it can be combined with a life insurance policy which will clear the property of all encumbrance in case the bread-winner dies before the completion of the fifteen-year period. The payments on the property, exclusive of life insurance, would, for a property costing $2,288 —real estate value $2,860 or twenty-five per cent additional—be $6.03 semi-monthly during the first five years and $4.44 semi-monthly during the remaining ten years, for the first mortgage, and $6.98 semi-monthly during the first five years and $4.01 semi-monthly for the remaining seven years for the second mortgage.

The plans outlined above, the use of government credit or money, the simple limited dividend method, the coöperative bank loans, the copartnership scheme, the use of funds supplied by a life insurance company,

do not cover all the proposals now being made for the financing of small houses. Nor have the discussions of these plans been thorough enough to warrant us in either accepting unreservedly or discarding any one of them. The question is still open and further light may cause us to change present opinions. These plans do, however, embody the principles along which the builders of wage-earners' dwellings are working and they have behind them most of the experience now available as a basis for discussion. It may be that the Ontario method and the use of government money will not lead Toronto and Massachusetts into the dangers prophesied, or into others not now foreseen. It may be that limited dividend companies can secure ample capital. It may be that copartnership will prove a financial and social success. It may be that the great funds of the insurance companies may be made more and more readily available and at lower rates. We are still very near the beginning of our attempt to find a better method than the traditional ones of financing small houses. The important point is that many men in many places are working on the problem by different methods. In time the pragmatic test will enable us to decide which is the best.

THE SEGREGATION OF THE WHITE AND NEGRO RACES IN CITIES BY LEGISLATION[1]

GILBERT T. STEPHENSON[2]
Winston-Salem, N. C.

FOR many years there has been a real, but ill-defined, separation of the white and colored resident districts in cities, in the north and west as well as in the south. It was in the fall of 1910 that the first move was made thus to separate the races by legal enactment.

Baltimore has the distinction of having initiated the movement. For some years there had been friction between the races in Baltimore which had largely come about by colored people moving into white neighborhoods. Such friction reached a climax in 1910, when a colored man moved into the eighteen hundred block of McCulloh Street, which was a white community. Immediately the white people in that neighborhood held a series of meetings and determined to take a positive stand against further encroachment by negroes upon white blocks. The agitation resulted in the enactment of the West segregation ordinance, which is the first segregation law ever enacted. In a test case in the early part of 1911, this ordinance was held invalid. Immediately thereafter the city council passed another ordinance to obviate the defects of the first one. Some doubt arose as to the regularity of the passage of this second ordinance, and the city council passed a third ordinance, this one in almost precisely the same language as the second one. The constitutionality of the third ordinance was tested in the case of *State* v. *Gurry* which went to the Maryland Court of Appeals. This ordinance was, in turn, held unconstitutional because it did not properly protect vested rights. Not to be outdone, the city council forthwith passed a fourth ordinance on September 25, 1913. Baltimore is acting under its fourth segregation ordinance, all four of them having been enacted within the course of three years.

The second city to enact a segregation ordinance was Richmond, Virginia, this on April 19, 1911. Two months later, Norfolk passed a segregation ordinance which has been amended twice and which has recently been before the ordinance committee of the city council to make

[1] See National Municipal Review, Vol. III, page 177.

[2] Mr. Stephenson who is a graduate of Wake Forest College and of the graduate and law schools of Harvard, has written a book on "Race Distinctions in American Law." He has taken an active part in public affairs and has been a frequent contributor to law reviews and other publications. He is now the solicitor of the municipal court in Winston-Salem and is one of the attorneys in cases involving the subject about which he writes.

it conform to the state segregation statute. In September, 1911, Ashland, Virginia, passed a segregation ordinance which practically copied that of Richmond. On March 12, 1912, the legislature of Virginia enacted a statewide segregation law which permits cities and towns so desiring to segregate the races. On May 1, 1912, Greenville, South Carolina, passed a segregation ordinance which practically copied the second Baltimore ordinance. On June 13, 1912, Winston, North Carolina, passed segregation ordinance which, however, was superseded on July 5, 1912, by an ordinance modelled after that of Richmond.

On March 15, 1913, Roanoke, Virginia, moving under the state statute, segregated the races. In June, 1913, Atlanta, Georgia, passed an ordinance like the second Baltimore ordinance. Anderson, South Carolina, has a segregation ordinance, but the date or character of it has not been ascertained. Greensboro, North Carolina, has been the last to segregate the races, its ordinance, which was passed in February, 1914, being practically a copy of the Winston-Salem ordinance.

The following cities now have segregation ordinances: Baltimore, Norfolk, Richmond, Ashland, and Roanoke, Virginia; Winston-Salem and Greensboro, North Carolina; Anderson and Greenville, South Carolina, and Atlanta, Georgia. Portsmouth, Virginia, is now moving under the state law towards the enactment of such an ordinance. The city council of St. Louis has recently passed a segregation ordinance. The cities of Charlotte, North Carolina, Charleston, South Carolina, New Orleans, Louisiana, Meridian, Mississippi, and Oklahoma City, Oklahoma, have discussed the segregation of the races but have never legislated upon the subject.

Segregation legislation may be divided into four types. The characteristic feature of the first, which may be conveniently designated the Baltimore type, is that it applies only to all-white and all-negro blocks and does not undertake to legislate as to blocks upon which both white people and negroes live. The ordinances of Greenville and Atlanta belong to this type, except that the Greenville ordinance has recently been amended so as to make it apply to blocks upon which two-thirds, instead of all, the residents belong to one race. Under the second type, known as the Virginia type, a state statute enables cities so desiring to divide their territory into districts and to designate which districts are to be for white residents, and which for colored residents. The general assembly of North Carolina in 1913 considered but did not enact such a statute. Roanoke and Portsmouth are the only two cities that have acted under the state law. The distinguishing feature of the third or Richmond type is that it undertakes to legislate for the whole city, declaring a block white whereon a majority of the residents are white and colored whereon a majority of the residents are colored. The ordinances of Richmond, Ashland, Winston-Salem, and Greensboro belong to this type.

The Norfolk ordinance is unique in that it makes ownership as well as occupancy of property determinative of the color of the block.

The unit of segregation is usually a block; and the simplest definition of a block is "that portion of any street between two intersecting streets or alleys." In Baltimore, Atlanta, Winston-Salem, Greensboro, Richmond, Ashland, Norfolk, and cities moving under the Virginia statute, the block includes the houses on both sides of a street. So did the ordinance of Greenville as it originally read, but on September 9, 1913, it was so amended as to make a block refer only to the houses on one side of the street.

In Baltimore and Atlanta a block is known as a white block only when all the residents thereon are white and a colored block when all the residents are colored. In Greenville, if two thirds of the residents are white, it is a white block and colored, if two thirds of the residents are colored. Under the Virginia state law a district is colored if the number of colored residents equals or exceeds the number of white residents, and white if the number of white residents exceeds the number of colored residents. Here is an interesting distinction. If, for instance, there are fifty residents in a given district, twenty-five of them belonging to each race, it is a colored district; but if twenty-four are colored and twenty-six white, it is a white district. This obviates any confusion that may arise where the number of white and colored residents is exactly the same. In Richmond and the other cities with ordinances of that type a block is white if a majority of the residents thereon are white and colored if a majority of the residents are colored. There is no provision in these ordinances for the case whether the white and colored residents on a block are equal in number. In Norfolk a block is white if a majority of the frontage of the street in question between two intersecting streets is either owned or occupied by white people, and colored, if owned or occupied by colored people.

Certain persons are excepted from the application of the ordinances. In all of them domestic servants of another race are permitted to live in the house or on the block with their employers. Some confusion might arise as to who are to be included as domestic servants.

The last Baltimore ordinance and the Virginia statute define a resident of a block as being any person occupying any room therein as a sleeping place, whether as owner, tenant, dependent, boarder, lodger, or otherwise, unless it appears that such occupation is merely transitory and that such person has another fixed place of abode.

Most of the segregation ordinances go farther than merely to prohibit people of one race occupying as residences houses on blocks set apart for the other race. In the Baltimore ordinance of 1911, for instance, people of one race were prohibited from using any house in a block set apart for the other race for a church or school; but this provision as to churches

and schools was left out of the last Baltimore ordinance. The Atlanta ordinance covers schools and churches. The Richmond ordinance and those of that type cover residences, schools, and places of public assembly. In Norfolk a colored person is not permitted to use or occupy for any purpose, except a store, a house on a white block. The same rule applies to white people. The Greenville ordinance goes farther than any of the others and makes it unlawful for a white person to use a house as a residence or place of abode, hotel, boarding house, restaurant, place of public amusement, store, or place of business of any kind in a colored block and has the same prohibitions as to negroes in white blocks.

The Baltimore ordinance of 1911 and the Greenville and Atlanta ordinances make special provision for opening up vacant blocks and for throwing blocks theretofore all-white or all-colored open to both races. In Greenville, if the owner wishes to build upon a vacant lot in a block whereon there are no residences, he must make application for a permit to build to the inspector of buildings, declaring whether the residences are to be used by white or colored persons. The inspector thereupon publishes the application twice a week for two successive weeks in one or more daily newspapers in the city. Unless, within five days after the date of the last publication of the notice, protest is made in writing to the inspector by a majority of the property owners in the block against the use of the proposed house as a residence by the race mentioned in the notice, the permit is issued. The permit to build the first house upon the block determines the color of the block for subsequent builders and occupiers. Under the Baltimore ordinance of 1911, if the owner of the vacant lot, at the time of making his application, filed with the building inspector the written assent of the owners or at least one-half the property fronting on the block, then the building inspector might issue the permit without publishing the application. The last Baltimore ordinance makes no provision for building up vacant blocks. The Atlanta ordinance is, in this respect, like that of Greenville.

Sometimes, in the course of the development of the city, the character of a neighborhood changes and what was once a desirable district may become a tenement district. The ordinances make provision for this change by allowing all-white or all-negro blocks to be thrown open to both races where the advisability for so doing appears. A majority of the property owners in any block may make application to the building inspector to declare the houses on the block to be open for occupancy thereafter to both races. The inspector thereupon notifies the police commissioners that the block is no longer subject to the provisions of the ordinance. As soon as the application is filed, either white or colored persons may move into the block. If, however, later the block becomes all-white or all-colored, it immediately becomes subject to the provisions of the segregation ordinance again. This provision is found

in the Greenville and Atlanta ordinances and in the Baltimore ordinance of 1911, but is not found in the last Baltimore ordinance. Though, as has been said before, the ordinances of the Baltimore type apply only to all-white and all-colored blocks, still even in these cities the two races are not permitted to move about in mixed blocks as they please. In Atlanta, for instance, it is unlawful for a colored person to move into or use as a residence any house that has previously been occupied by white people and where white people are still living in adjoining houses without the consent of those white people; and, similarly, it is unlawful for a white person to move into a house previously occupied by a negro without the consent of the negroes in the adjoining houses. Under the ordinances of the Richmond type, before a person can build upon a vacant lot he must state whether the house is to be used by white or colored people, and the proper authority must not issue a permit unless the applicant complies with the law.

Suppose a negro had moved into a white neighborhood before the ordinance was passed. Or suppose he had bought a house in a white neighborhood, but had not moved into it at the time the ordinance was passed. Or suppose he had a vacant lot on a white block and wished to build upon it and use the house as a residence after the ordinance was passed. Protecting vested rights has occasioned considerable difficulty to the framers of these segregation ordinances. The Baltimore ordinance of 1911 made no reference to vested rights, and in the case of *State* v. *Gurry* was declared unconstitutional for this reason. The ordinance of September 25, 1913, which was passed to conform to the opinion of the court of appeals in this case, provides that nothing in the ordinance "shall be construed or operate to prevent any person, who, at the date of the passage of this ordinance, shall have acquired a legal right to occupy, as a residence, any building or portion thereof, whether by devise, purchase, lease, or other contract, from exercising such legal right." The Atlanta ordinance was amended while it was pending in June, 1913, by providing that it should not cause any change in the status of the races as to prevent occupying or ownership, and no member of either race should be forced to move from any present location, but the entire ordinance should be operative as to the future. The Greenville ordinance, which was modelled after the Baltimore ordinance of 1911, has apparently not yet been amended to meet the defect found by the court in the case of *State* v. *Gurry*. As the Baltimore and Atlanta ordinances now read, the negro who owned property on a white block before the passage of the ordinance can build upon it and occupy the house as a residence even since the ordinance was passed, but he cannot now sell it to another colored person to build upon and occupy as a residence. The Virginia statute provides that it is not to be construed or to operate to prevent any person, who, on the date of the adoption of the ordinance,

shall have acquired a legal right to occupy as a residence any building or part of a building and who shall not on that date have moved into such premises. The ordinances of the Richmond type provide that they cannot be construed to affect the location of residences made prior to the approval of the ordinance. And the Norfolk ordinance does not interfere with the continued use or occupation of property in the same manner in which it was used or occupied at the time the ordinance went into effect.

The penalties for violating the segregation ordinances vary considerably in the different cities. The last Baltimore ordinance makes the violation of any of its provisions a misdemeanor punishable by a fine of not less than five dollars nor more than fifty dollars or by imprisonment not less than thirty days nor more than twelve months. In Atlanta, one who violates the ordinance may be fined not over one hundred dollars or sentenced to work on the public works not over thirty days. In Greenville, the violation of the ordinance is punishable by a fine of not over fifty dollars or imprisonment not over thirty days. The violation of the Ashland ordinance is punishable by a fine of not less than twenty dollars nor more than fifty dollars or by imprisonment not less than thirty nor more than ninety days; in Richmond, by a fine of not less than one hundred dollars nor more than two hundred or imprisonment not less than thirty nor more than ninety days; in Winston-Salem, by a fine of fifty dollars or imprisonment thirty days; in Norfolk, by a fine of not less than one dollar nor more than ten dollars or by imprisonment not over six months, or both; and any city operating under the Virginia statute, by a fine for the first week of not less than five dollars nor more than fifty and two dollars for each succeeding day of such residence. Each day's violation of the ordinance is considered a separate offense.

Inasmuch as the Virginia state statute is the only one of its kind, it is well to consider some of the features of it which have not been considered in the foregoing analysis of the ordinances. This statute permits cities and towns so desiring to adopt an ordinance segregating the races after the following plan: The entire area of the city or town is divided into districts. The boundaries of the districts must be plainly designated in the ordinance. Each district must comprise not less than the entire area fronting on any street or alley and lying between two adjacent streets or alleys or between any street and an alley next adjacent thereto. Within six months after the segregation ordinance is passed, the city council must have prepared a map showing the boundaries of the segregation districts and showing the number of white and colored persons within each district on a date designated in the ordinance; this date must be within sixty days of the passage of the ordinance. The map, when it is certified by the clerk of the council, becomes *prima facie* evidence of boundaries and racial designation of districts. The map is kept open for inspection

and, if any person feels aggrieved, he may, within sixty days from completion of the map and within eight months from the adoption of the ordinance, give notice in writing to the clerk of the council of the way in which he is aggrieved; and within thirty days of such notice he may bring an action in the corporation court or before the judge in vacation to make such corrections of the map as are needed. A white district is one in which on the date designated in the ordinance there were more residents of the white race than of the colored race; and a colored district is one in which there were on the same date "as many or more residents of the colored race" as there were of the white race. The races may shift as they please during the first twelve months after the ordinance is adopted. After that, it is to be unlawful for a colored person, not then residing in a white district, or who is not a member of a family residing in a white district, to move into or occupy as a residence any house or part of a house in a white district and, similarly, it is unlawful for a white person to move into a colored district.

The constitutionality of the fundamental principles of race segregation has not yet been finally determined. Several cases are now pending in the inferior courts and are on their way to the supreme court. In the case of *State* v. *Darvell*, (81 S. E. 338), which involved the constitutionality of the Winston-Salem ordinance, the Supreme Court of North Carolina held that a city council, in the absence of specific authority from the state legislature, could not segregate the races under the "general welfare clause" of its charter. The court did not intimate what it would hold if the legislature were to pass such an enabling statute as Virginia has. The new ordinance of Roanoke, which was passed under the state law, has recently been tested in the court of that city, and the case has been made up for appeal to the supreme court of Virginia. In the case *State* v. *Gurry*, the Court of Appeals of Maryland considered the constitutionality of the Baltimore ordinance of 1911, and held that this particular ordinance was invalid because it did not properly protect vested rights but added, as a dictum, that the fundamental principle of segregation was constitutional. The court said,

If the welfare of the city, in the minds of the council, demands that the two races should be thus, to this extent, separated and thereby a cause of conflict removed, the court cannot declare their action unreasonable. It was acknowledged by the counsel for the appellee, both in the brief and in verbal argument, that for years there had been more or less friction resulting from the occupancy by colored people in houses in blocks theretofore occupied wholly by white people. With this acknowledgment how can it be contended that the city council, charged with looking to the welfare of the city, is seeking to make an unreasonable use of the police power when it enacts a law which, in their opinion, will tend to prevent the conflict?

The Circuit Court of Hanover County, Virginia, in the case of *Town of Ashland* v. *Coleman*,[1] held the Ashland ordinance constitutional. The Court of Appeals on Maryland, in the case of *State* v. *Gurry*, has held the principle of segregation constitutional, though at the same time declaring a particular ordinance unconstitutional. What the Supreme Court of the United States will say is the next question. This court has upheld laws separating the races in schools, in railroad cars, in street cars, in places of amusement, and in other public places. It has, also, time and again, upheld the laws prohibiting intermarriage. It is true that all of these race distinctions are limitations upon the personal rights of people. The segregation of the races as to residence would be a limitation upon property rights. May a state or a municipality, under its police power, place restrictions upon the property rights of its citizens as it has upon their personal rights? In other words, is there any inherent difference between separating the races in public conveyances and in public places and in separating them in their residences, provided vested rights are properly protected? The supreme court of North Carolina has said that the police power of a city cannot be stretched to embrace such drastic legislation.

After all, the more important question about a segregation ordinance is not whether it is constitutional, but whether it is just to all parties concerned. If segregation is right in principle, then it will probably be possible to frame a statute that will conform to constitutional limitations. If, on the other hand, it is not right in principle, then the fact that a statute can be drawn to satisfy the constitution will not justify its adoption.

The following are some of the considerations that have had weight with the various city councils in their consideration of these ordinances. Wherever colored people encroach upon a white neighborhood, the land values in that neighborhood immediately tumble. The white people who live on the mixed blocks are, in most instances, less thrifty than those living in the all-white communities and the only danger of race mixture in this country lies in the close association of the lower elements of the two races. This is the conclusion that Ray Stannard Baker reached in his "Following the Colour Line," writing from the standpoint of a northern man. Dr. Edgar Gardner Murphy reached the same conclusion, approaching the subject from the viewpoint of a southern man. Ex-President Roosevelt, writing in *The Outlook* of February 21, 1914, of the "Negro in Brazil," said," . . . in the lower ranks intermarriages are frequent, especially between the negroes and the most numerous of the immigrant races of Europe. In the middle class these intermarriages are rare, and in the higher class almost unknown so far as concerns men and women in which the black strain is at all evident." Race feeling be-

[1] 19 Virginia Law Register, October, 1913, p 427.

tween the less thrifty white people and the negroes is much more pronounced than the feeling between the thrifty members of the two races. The negroes who have done violence to the persons and property of white people have usually belonged to the lowest element of that race, and the white people who have taken the law into their hands and committed murder by lynching have usually belonged to the lowest element of the white race. The city councils have thought it wise to promote race purity and race harmony by separating, in so far as it is possible to do so by law, the lower elements of both races. Voluntary segregation has fixed the residences of most of the white people and negroes in different districts. Segregation by legislation will, therefore, affect only those who live in the twilight zone between the distinctly white and the distinctly colored communities. If the city council, by laying down a definite way of determining the color of a block, can let the people know which are thereafter to be white blocks and which colored, they can do a great deal towards clearing up this twilight zone and this will, in turn, do much to allay race prejudices and promote race harmony.

The segregation of the races in cities by legislation can in no wise be justified if it means the neglect of the negroes. It is well known that the government of nearly every city in the country is in the hands of white people and that it is they, not the negroes, who are initiating the segregation legislation. The white race can justify this latest race distinction only by letting it be a means of obliterating discriminations against the weaker race, such as have long prevailed in this country and in other countries where a weaker and a stronger race have undertaken to live together on the same soil. Urban segregation[3]—in most southern cities, at least—is wise for the reasons that have already been given; but the white people, having brought about such segregation, must, in justice to themselves as well as to the colored people, give the latter a fair share of the municipal funds for streets, lights, sewers, schools, and other community activities.[4]

[3] There is a fundamental difference, in the opinion of the writer, between urban and rural segregation, and reasons which justify one do not apply to the other. G. T. S.

[4] See article by the same author on "The Segregation of the White and Negro Races In Rural Communities of North Carolina" in *The South Atlantic Quarterly* for April, 1914.—Editor.

SOME ASPECTS OF THE LIQUOR PROBLEM[1]

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Boston

THE existence of a world-wide movement against the abuse of intoxicating liquors is a patent fact. Variously manifested, it has made its way into all civilized lands. It absorbs more human energy than is devoted to any other form of social betterment. But the driving power of the movement is not so easy to discover, for it is not everywhere hitched up to the same kind of motor. Nor can it be said to be given a uniform direction. Consciousness of the menace from an unchecked abuse of drink gave the movement its first impulse. Alarm from the same cause still furnishes propelling force, but that by itself would be insufficient. In its best expression the movement does not so much signify dread because of conditions becoming worse as a keen sense of responsibility for the common welfare. Its growing strength in the countries where the greatest progress has been made in the direction of sobriety confirms this.

Extremists will of course continue to declaim about a world growing drunker and drunker. It is a convenient argument in whipping up a flagging interest in their panacea—universal prohibition—in spite of damaging and almost hopeless admission involved, that the unremitting labor of years for temperance has largely been unproductive. But the backbone of the movement is not calamity howling; therefore it is not necessary to support it by marshalling evidence about comparative conditions of sobriety or inebriety. In passing it may be said, however, that the gaps of ignorance about the situation are so great that even one endowed with a competent sense of fact finds hard and fast conclusions barred on all sides. And by uncritically accepting current statements about the consumption of alcohol as portraying actual abuse, one can "prove" the impossible. Thus it might be shown that the notably sober countries of Europe, such as Spain, Portugal, Italy and Greece, are really the most drunken, since, forsooth, their per capita consumption, translated into terms of pure alcohol, tops that of nearly all others.

[1] See also articles by Mr. Koren on "The International Committee for the Scientific Study of the Alcohol Question," Vol. II, page 275, and "The Status of Liquor License Legislation," Vol. II, page 629.

[2] Mr. Koren was an expert for the Committee of Fifty of which Dr. Charles W. Eliot, James C. Carter, the first president of the National Municipal League, and Seth Low were among the moving spirits. He is now secretary of the American section of the International Committee for the Scientific Study of the Alcohol Question, and a member of the National Municipal League's committee on the municipal liquor problem.—EDITOR.

Take another example. Recent press dispatches picture Russia as par excellence a land of sots; and they may tell the truth although the fine hand of the politician is plainly visible in them. Yet the latest official returns for European Russia indicate a per capita consumption of spirits considerably below that of Denmark, Germany, the Netherlands, Austria-Hungary and Argentina, not to mention France. In brief, the available means of gauging relative conditions in respect to the use of alcohol, are very faulty and inadequate; so much so that the International Statistical Institute has recently thought it necessary to establish a commission to study the subject and devise improved methods of presentation.

Meanwhile, it is not material to this discussion whether certain absolutists reason without the facts or on the basis of manufactured evidence. At all events, the world-movement against the drink abuse does not need to be bolstered up by exaggerations. Its paramount strength comes from the spreading conviction that the abuse of drink is a menace which must be counteracted, a conviction springing from a clearer perception of social duty and not necessarily associated with any belief in patented methods by which such duty alone can be discharged.

A keen realization of the drink evil is quite compatible with the view that persistent if slow progress is being made in counteracting it. One must be an incorrigible pessimist or a professional agitator to deny that the liquor problem has reached a vastly better status than it occupied some generations ago. To all others it is tolerably plain that the forces of education, improved social customs, the new demands of industrial organization, the better understanding of health questions, no longer permit us to condone an attitude toward the drink question which formerly passed unchallenged. Among other evidence on this point may be cited the present position of the trade, at least in this country, which no longer is one of aggression but of constructive defence, carrying with it an admission of a need of vigorous and clean control of an "inherently dangerous traffic."

The implication is by no means that we should leave well enough alone. Only a superficial optimist can find contentment with present conditions. The question what should be done for continued improvement is still pertinent, but over it those who should work together for the same end are split asunder. In European countries, the weight of the temperance movement is directed against abuse, chiefly by the aid of legislative and educational expedients; and coupled with it is a live personal abstinence agitation. To be sure, an extreme wing is not wanting. There are well-defined groups of prohibitionists in many lands. But their demand for the ultimate extinction of the manufacture and sale of drink has not blinded them to the usefulness of restrictive and regulative measures. They may be found patiently helping their governments to formulate such measures, realizing that true progress is but gained by successive

steps. They still acknowledge that the many-sided liquor problem requires study, and that in dealing with it one must be guided by reason and not blindly follow sentiment.

In the United States, those who would be the exclusive leaders in temperance work seem to have passed beyond the study stage. To them it must sound like an echo from a by-gone day that a well-known temperance organization in Russia recently offered a prize of ten thousand dollars for the best draft of a law to govern the liquor traffic. They deny that there can be any other road to public sobriety than the straight path of prohibition. Those who think and dare to say that it does not lead to a millennium are commonly stigmatized as the spokesmen of evil and in league with every anti-social force. Efforts at scientific inquiry of any phase of the liquor question are more or less suspected. Instead we are asked to accept ready-made dicta without questioning their worth. In plain truth, the direction of the anti-alcohol movement in the United States appears to have fallen largely into the hands of a professional group of advocates who cannot afford to bide by an appeal to reason. This unsugared statement does not carry with it any disparagement of the thousands who follow them from convictions and unmixed motives, much less a denial of the undoubted benefits from the temperance movement in its purer forms which has been indispensable to progress.

This world-movement has, broadly speaking, had a double purpose: (1) to persuade the individual to embrace temperance or abstinence; and (2) to stop the excesses of an uncontrolled or ill-regulated and heedless trade. That as a part result the public attitude toward the abuse of drink has been profoundly and favorably modified in this country one may affirm without fear of contradiction, leaving aside the question of the complex forces that have influenced it. Likewise it is undisputed that the trade, as represented by its leading elements, no longer countenances its old-time attitude, for it admits the need of house-cleaning and is bound to undertake it. The right of a community to a free choice between licensing and forbidding the sale of intoxicants, it acknowledges. Stringent control, which it once fought, is now recognized as its safety. That the days of the village and cross-roads grog-shop are gone never to return, it concedes openly. In short, it is no longer the aggressive, defiant trade of former days, and not to trace this change of front to temperance work reinforced by a more enlightened public opinion is to deny the obvious. Nothing that has been said implies contentment with the present status of the trade. One can acknowledge its improvement without experiencing satisfaction with things as they are.

To the essence of the temperance movement we owe large and lasting benefits; but it does not follow that one must laud its present-day excrescence.

The movement has undergone momentous changes in this country.

Moral suasion as a means of betterment seems to have been relegated to the background. The old line prohibition party, which more or less exemplified it, has become a negligible factor. It has been replaced by an agency which knows no political party so long as it can use any for its own end. Its creed is coercion rather than persuasion, and its strength lies in its ability to make capital out of political cowardice. Much, perhaps most, of the recent prohibition legislation might properly bear this legend: "Enacted under political pressure, not from conviction." The situation is so palpable that one need not be asked to furnish proof. But just because of their political aspects one grows skeptical about the extent of many alleged victories for temperance, for in a question affecting public morality majorities won under political compulsion do not count. As an impartial observer of American conditions has recently said: "Even when the vote shows a majority to be in favor of prohibition legislation, one cannot from the size of the majority draw a decisive conclusion in regard to the numbers of voters who are truly adherents of prohibition. As for that, these may actually be in the *minority*. In the American prohibition states it has repeatedly been shown that numbers of persons who vote for prohibition do not do so because they are personally convinced of its expediency and are willing to contribute personally to its enforcement, but from *ulterior motives*. They vote for these laws partly that they in return may gain the support of prohibitionists in election to local offices or as members of the legislature. Partly, they desire to get the prohibitionist vote in seeking one of the other positions which in the state are filled by popular elections and which may bring economic advantage or satisfy one's ambition. And when these persons have attained the places for which they have striven, one observes that they in part personally transgress the law that they have helped to force through, in part close their eyes to the violation by others and are not concerned about counteracting it, as by their votes they did not intend to court bother or make enemies." He then points to the great extent to which "politics has entered into the special prohibition cause as well as into the abstinence cause generally," and adds: "When prohibition is given a place on a party machine program there is, if it is carried through, still less guarantee that the rank and file of the party will live up to it or will exert itself to get it enforced, than when the individual citizen binds himself to vote for it. For as remarked, it will be a long time before the general public will regard the transgression of a liquor law as equivalent to a crime." [3]

The radical defect of the prohibitionist movement as at present engineered is the devious political methods employed. There is a sordid

[3] Some Principal Traits of the Alcohol Legislation and Its Enforcement in the United States, by Dr. A. Holst, professor of Sanitation, University of Norway.

trading for votes to carry a moral issue. That conviction must underlie the votes in order to make them effective has ceased to be accepted. Superficially, the method of votes at any price seems effective. Men are easily made cowards by threats of political annihilation or of social ostracism. The barter of conviction for place or favor belongs to the shadowside of popular government. Yet it is deliberately fostered by persons who undertake to speak in the name of lofty morality, for the history of recent prohibition contests fairly reeks of a method of bidding for votes that in its essence is just as reprehensible as a money bribe. That the thing may be done by indirection does not palliate it. So long as the fear or baser motives of voters are traded upon in order that they may give the lie to their convictions a tyranny is exercised which has no defence. But it has long since come to pass that open boast is made of coercion to gain the kind of legislation which inevitably spells failure unless supported by an overwhelming public opinion.

And now we are called upon to witness a new application of political coercion for the purpose of regulating personal conduct. Congress has been petitioned to submit for ratification a constitutional amendment forbidding the manufacture and sale of intoxicants throughout the country. To become part of our fundamental law the proposed amendment must be accepted by thirty-six out of the forty-eight states. But the hostile attitude toward prohibition of the most important urban centres is well known. They cannot be won by persuasion, therefore must be coerced. The scheme is so simple that no one can be blind to its meaning.

The end to which the temperance movement in the United States is now being perverted has long been foreshadowed. For years the periodical accounts of the "gains" for prohibition have almost exclusively dealt with the extent of the territory made "dry" and the proportion of the general population living within it, but have been significantly silent about the successes attending enforcement. This substitution of issues has a distinct purpose. The alleged rapid expansion of "dry" territory is paraded as evidence of an irresistible demand for nation-wide prohibition. Hence, when the petitioners recently made their plea for a constitutional amendment, they did not base it upon the blessings of prohibition as now exemplified, but upon the numbers living within areas from which the liquor traffic has legally been excluded as indicating beyond doubt that a majority of the population already favor such an amendment.

It is really a challenge to one's intelligence when one is asked to compare the number of square miles covered, respectively, by "dry" and "wet" territory as proof of gains for prohibition. Yet reputable magazines and newspapers have of late helped to perpetuate the absurdity. As if it mattered that barren wastes, forest and mountain land and thinly settled agricultural districts, which never supported a saloon, have been

added to the prohibition area! And anyone can easily compute that in a license state without local prohibition the surface of the districts from which drink-selling is excluded through self-operative causes must exceed that of the places in which the traffic finds a footing. Nor can one accept at its face value the claim that "fifty-five per cent" of our population now live in "dry" territory for it is subject to so many radical qualifications, aside from the fact that the figures named are often open to doubts. At present only about 15,000,000 people in the United States out of the 91,000,000 (census of 1910) live under state-wide prohibition laws, and even of these a goodly proportion dwell on the borders of license states and need but cross an imaginary line to obtain drink. Thus the great bulk of the population said to typify an anti-saloon sentiment lives under local prohibition laws. But here again it is found that untold numbers have their habitat in "dry" districts conveniently near license places with every opportunity to make use of what they offer. Take a familiar example: The no-license cities and towns suburban to Boston (license) and geographically a part of it, contain about 400,000 inhabitants who have the amplest access to liquor supplies and can only be said to live under prohibition in a technical sense. Like conditions prevail throughout this commonwealth and are exemplified elsewhere in a multitude of places nominally under local prohibition. That they have outlawed the saloon doubtless signifies an enmity toward this institution, but it must not be confounded with a full-blown enthusiasm for national prohibition since the condition upon which they remain "dry" is that handy-by places keep "wet." Under the circumstances it is rather meaningless to take gross percentages of the population in license states that live under local prohibition as actually showing the numbers which are made to feel the effects of sumptuary legislation and would welcome its general application.

Moreover, it is venturesome for purposes of convincing argument to omit all reference to the numerical strength both in state-wide and local prohibition territory of the minority. It is a matter of history that Maine after generations of experience succeeded in saving its constitutional prohibition only by a handful of electors. It is a matter of history that local prohibition is often enacted by insignificant majorities that are easily overturned. It is a matter of demonstrable fact that majorities apparently favorable to local prohibition would oppose state, as well as national, prohibition. Nevertheless, we are solemnly asked to accept the statement about the fifty-five per cent of population living in "dry" territory as proving that a majority of the people would welcome national prohibition.

One finds other cogent reasons for believing that many of the alleged millions of temperance people and embryonic national prohibitionists are but phantoms, useful only to apostles of a fictitious sentiment. There

are the ominous figures of the production and consumption of liquor which of recent years have shown an unmistakable steady upward trend. No trick of explanation can harmonize this fact with the extravagant claims about the increasing multitudes that are seeking the blessings of prohibition. Rather one is led to question the usefulness of laws which do not even have the primitive result of keeping consumption at a uniform level, not to say of reducing it. To take refuge in the argument that people living under license are responsible for the growing use of intoxicants is arrant nonsense, for it would argue an amount of localized over-indulgence contrary to all known experience. The growth of the production and consumption of liquor is a very proper reason for advocating remedial measures, but the opposite of proof that prohibition throughout a vast area is an actuality. It is probably on this ground that the question of enforcement is studiously kept in the background by those who contend for that constitutional amendment. Yet before the final step is taken one must demand an exemplification of prohibition thoroughly enforced on a large scale. Here is an ugly chapter in the temperance movement. One is reluctant, however, to thresh over the old straws which have been turned so many times and always with the result of discovering rottenness underneath. The situation may be summed up by saying that all outside, impartial and trained investigators have reached the conclusion which the Swedish Medical Society in its profound study, entitled *Alcohol and Society*, puts tersely, by saying that prohibition in the United States has only existed in name. Even ardent friends of the prohibition idea abroad find that we have not provided them with a model, but rather with a deterrent example.

As an extenuating explanation it is said that the effects of local and state prohibition are more or less neutralized by the access to imports from license places, and that the real cause of the apparent failures of enforcement would disappear under a country-wide law. It is a specious plea for it ignores the fundamental reason underlying violations—lack of popular desire to have prohibition enforced, or, to put it differently, popular refusal to place transgressions of this law on par with other crimes.

Then there is the final reply that even unenforced prohibition is better than any form of the legalized traffic, for there must be no compromise with evil. It is a tough morsel for the moral digestion. Is the question then not of abating an admitted evil, but of salving one's conscience by subscribing to an academic dictum that it shall no longer exist? Small wonder that this line of reasoning has led present day leaders of the temperance movement to treat so lightly the festering ills that flow directly from the wilful, persistent and concerted violation of fundamental as well as statutory laws. This is the fatal cancer that gnaws at the vitals of a righteous cause as it is now directed.

Nevertheless, we are bidden to court the far graver dangers of attempting national prohibition. The complication of conditions sure to arise from it fairly staggers the imagination. One can pass quickly over some of the more obvious. It would be exceedingly awkward, while of course feasible, to find the hundreds of millions of new revenue to offset the inevitable losses. But one cannot so easily dispose of the far-reaching economic disturbances inevitably following upon the destruction of a business representing in its various branches a capital far exceeding a billion dollars and which is a factor in agriculture, manufacture, transportation, etc. Since economic laws know no distinction of persons, the blow would fall upon the just and unjust alike.

But such considerations, the prospect of international difficulties over tariffs, etc., are to be reckoned as naught against the consequences from an irrepressible illegal sale of intoxicants. Let us look straight at some of the elements that would enter into the situation and foretell not of probabilities but certainties. There is the demand for stimulants which no legislation affects; there is the ease and trivial cost of producing alcohol; and the universal desire to make easy money. Combine the three, add to it the undisguised hostility to prohibition of all great centers of population and, indeed, of whole states, and we have an opposition which no method of policing can overcome. The watchful eye and impartial hand of the federal government would be withdrawn from the struggle. Having no longer any interest in revenue, it would not search the length and breadth of the land for illicit manufacture. Presumably, it would watch importations, if not attempt the necessary patrolling of the whole coast and borders. The restraint now exercised by a trade jealous of the traffic carried on by persons who pay no tax would disappear. Enforcement would be left at the most important points in the hands of officials unfriendly to law and acting for a population out of sympathy with it. What is now known the world over as the "shame of Maine"—the synonym for debauchment of law and order, the toleration of violation of law for the sake of political gain—would become the general stigma of our country. Against these verities we must balance the possibility of a diminished abuse of drink. Vain anticipation! There is to be no embargo on manufacture for home or personal use, nor could there be. One might, therefore, reasonably expect conditions parallel to those of Sweden in the last century when home distillation was legalized, resulting in an amount of drunkenness, the like of which history scarcely records. The unquenchable desire for stimulants will be met by a supply of the most destructive alcoholic preparations, since the lighter substitutes will be difficult to obtain, and no device known to human ingenuity could check it.

Such, in briefest outline, is the prospect we are told to welcome or be forced to accept through political coercion. As before, every effort will be bent to make the issue one solely between the extreme leaders of the temperance movement and the liquor trade, without any opportunity to let those be heard who are just as eager as the former to promote sobriety, but who still would reckon with facts and poor human nature. As at present staged, one can picture a contest over national prohibition between two factions. On one side the advocates, constituting a widespread, thoroughly organized, well-endowed body which is officered by professional spokesmen of no particular political faith, who have forsaken all belief in persuasion and clamor for the strong arm of the law of annihilation. And on the other side the trade and allied interests fighting for their own and matching the maneuvers of their opponents step by step.

As in so many battles waged throughout individual states over the prohibition question, the great public is not likely to be greatly moved over a national contest. The attitude of most is likely to be that of bored indifference which is not simply to be regarded as apathy, but as evidence of a conviction that the game is so played as to shut out the general public from participation. There may be semblances of white-hot zeal for universal sobriety, and doubtless many are touched by it; but it usually cools quickly as if it had been artificially stimulated. What creates this indifference is largely that, instead of fostering a free expression of opinion, deliberate effort is made to thwart it. Then, too, the cloven hoof of those who don the temperance garb simply to stalk political game is usually so plainly visible. The occasion lends itself beautifully to play upon moral as well as political cowardice with the common effect of relegating a great part of the public to a passive role. Those who are vitally concerned about the drink evil but would seek to eradicate it by successive steps, and not by an empty fiat of law, usually get buffetings from both sides; by the extremists for favoring evil and by the trade for efforts to curtail its interests. But one can afford to risk both in a good cause.

We are asked, almost commanded, to abide by the assumption that the liquor problem has been thoroughly explored in all its depths. Even if it were true, the acceptance of the proposed universal solution by no means follows. Unfortunately, the final authoritative word on the subject of alcohol remains to be spoken, whatever special pleaders may assert to the contrary. The evils connected with the abuse of drink are plain, yet we cannot uncover the chain of causation to its uttermost link. Science still halts before the fundamental question, Why do men become alcoholists? Therefore it cannot pin its faith on a legislative "thou shalt not" as a sovereign cure for ailments that may be rooted in the constitutional peculiarity of the individual, and of which alcoholism

may simply be a symptom. How far drink is the active originating cause of physical and mental disorder is still to be determined, and the knowledge thus far gained does not point to a remedy applicable *en masse*.

Until recently the fatuous notion prevailed that drunkenness could be successfully dealt with by invoking the penal code. Now we demand a diagnosis of the individual case, recognizing that a complexity of causes may underlie the trouble. How, then, can we be content with pure assumption when facing the infinitely more obscure and complex social disorders in which liquor appears to play such a prominent part? To catalogue all of them as chiefly of alcoholic origin is so much easier; it fits in with the seeming simplicity of the one remedy advocated. But the truth must be insisted upon. The substitution of mere assertion for fact yields a dangerous guide to action. As in the case of the individual so in that of society generally, an accurate diagnosis must precede the application of a specific, lest we injure where we would heal. In short, patient inquiry must still be the order of the day, beginning with the alcoholist himself.

The confident belief that the pathology of the alcohol situation is but imperfectly understood does not imply that all constructive effort must wait upon scientific investigations. The fight against the drink evil must go on, and many tried and still useful weapons wherewith to wage it are at hand. Moral suasion continues to be available and is a greater force in the world than coercion. Education and the amelioration of social customs are now as ever powerful adjuncts to right living. But education must be founded upon truth and not upon a counterfeit or upon pure fiction invented for purposes of propaganda. Finally, weak human nature can be shielded from temptation by rational progressive control of the liquor traffic. Apparently, efforts in this direction are not even welcomed by extremists who with a curious perversion of logic express an absolute faith in legal restraint raised to the *n*th power, but scornfully deny the efficacy of any lesser restraint. It is begging the question to say that our restrictive legislation has been a total failure, for it has not been rational nor progressive. True, it is exceedingly prolific, but it evidences a search for varieties rather than for central principles; each state seems to want its special brand of laws. The invention of legal irritants has been mistaken for the discovery of elements that make for stable control. The whole fabric of liquor laws is of the haphazard order, from the pivotal question of the authorities who should grant privileges to sell and their power of control, down to the most trivial detail. The experiments may appear numerous, but are for the greater part revivals of time-worn expedients.

This backward condition of our liquor legislation is easily accounted for. Its key-note has always been repression and penalties regardless

of whether they could be enforced. Progressive measures have been blocked not solely by the trade but by persons most inimical to it, whose theory is that the worse the status of the trade becomes the sooner it will be abolished. Therefore they look askance at such practical means of promoting sobriety as that of taxing intoxicants according to their alcoholic strength and in every way favoring the substitution of the least intoxicating beverages.

It is a commonplace to refer the shortcomings of liquor laws to the political meddling of the liquor trade. That it has displayed a pernicious activity in this respect no one can deny, but it is a fair question whether we may not attribute this largely to our method of handling the whole situation. The question of liquor selling is still a rare factor in the politics of prohibition states where the question of obedience or disobedience to the laws is a constant issue in elections. The same spectacle may be observed not only where restrictive laws far outstrip public opinion which is needed to give them force, but where all effort to demolish the liquor traffic is directed through political channels. The bane of the situation is that instead of eliminating the saloon from politics we are perforce keeping it in politics. Take as an example the notorious perversion of the local option principle when so applied to counties that an important urban population, against the express desire of the majority, is forced to accept the dictates of a rural population which is little affected by the outcome. The middle western states furnish numerous examples of local option merely as a device for gaining large political units in the interests of eventual state prohibition. Naturally, under such circumstances, the trade meets political tactics in kind.

The lawlessness of the saloon, and its brazen use of politics, where not under careful restraint, is an old story and an inevitable concomitant of raw social conditions. On the other hand, it cannot be gainsaid, the liquor traffic gradually ceases to trouble politics when placed under discriminating and thoroughly enforced control; in other words, where the best system of legislation has been developed. Then, too, the recognized spokesmen for the liquor interests realize full well that their future security lies in obedience to law, and not in achieving freedom from restraint through devious political methods. The elements that have not yet learned this lesson must be made to do so.

Those who dread the prospect of unbridled indulgence in drink no less than the spectacle of whole states in open rebellion against law and order, cannot afford to sit idly by and let the liquor question be fought out by the absolutists on one side and trade interests on the other. It is for them to build on facts, not on unalloyed theory, relying upon wholesome influences as more productive of sobriety than the prohibitive letter of the law. Not least among such influences is sane, progressive

legislation. Apparently this cannot be worked out in conjunction with the present day leaders of the temperance movement in this country. The greater the pity! But it is a curious reflection upon prevailing conditions that, in the constructive work to be done, one can turn with greater confidence in their intelligent coöperation to some of the advanced leaders of the traffic itself.

The acceptance of the doctrine of force as *the* means of making men sober spells the despair of the temperance cause; its hope lies in efforts for gradual betterment through ethical forces and general enlightenment plus progressive restriction.

MAYOR HUNT'S ADMINISTRATION IN CINCINNATI[1]

A. JULIUS FREIBERG [2]
Cincinnati

"SWEET are the uses of adversity" applies as well to city governments as to private individuals; and while the disappointment of those who looked for a continuance of the good work done by Mayor Hunt and his associates was very bitter when the blow fell, the interval gives good time and occasion to take account of the point of view of the community and to study its psychological reactions.

Notwithstanding the fact that Cincinnati has apparently repudiated its desire for better government and has recommitted its destinies to the organization which has not always used its powers for the good of the city as a whole, he would be a superficial student, indeed, who would not recognize that the reaction is apparent and not real. Practical reformers have long ago come to realize that the business of governing large urban territories under democratic conditions and under manhood suffrage presents angles and twists and turns that frequently stagger the wits and jam the enthusiasm out of the most patient and long-suffering.

Up to about eight years ago, Cincinnati, to borrow the phrase of one of our most accomplished muck-rakers, was sleeping contented in the arms of as powerful a clan of unpatriotic politicians as ever held a city in its grasp. Of the two evening newspapers, one was so enmeshed by its traditions and political associations—perhaps not so much from conscious original choice as from habit and the philosophy of the times—with the dominant Republican organization, that its powerful influence was lost to any fundamental awakening. The other paper, though never allowing a day to pass without sledge-hammer blows levelled at the so-called "gang," was limited in its influence to a comparatively weak constituency. From the very vigor of its sword-thrusts, not always discriminating, it was not able unaided to bring in the dragon head on its pike.

Henry T. Hunt was then just out of college, one of a group of young men alive to the situation and eager to begin the fight. Under the leadership of Elliott H. Pendleton they enlisted with high hopes, but with much to learn and with many obstacles to overcome. They managed in an off year to nominate Hunt and elect him to the legislature. There he with others secured the passage of a resolution to "Lexow" Cincinnati. A

[1] See NATIONAL MUNICIPAL REVIEW, Vol. II, page 617.

[2] Mr. Freiberg has been a long time member of the National Municipal League and a worker in the movement for better government in Cincinnati. He has been a helpful and thoughtful coadjutor with Mayor Hunt, Mr. Pendleton and other leaders n the movement.—EDITOR.

legislative committee was sent down to take testimony. Hunt did brilliant work in assisting the committee. The testimony forced from many unwilling witnesses opened the eyes of the people. There was good fighting for the young men. Hunt was at once an idol and there was no trouble at all in electing him as prosecuting attorney of the county.

Here is one of the elements in the psychology of electorates. There is no disparaging Hunt. He was single-minded, brave, outspoken, able. But many more seasoned men, better known men and as able, had tried for years to engage the coöperation of the people by speaking, writing, explaining, even begging and imploring, but to no purpose. The people love the dramatic; not merely the poor, but the rich and the middle class as well. They will not elect Nathan, but give them a David who has just slain his Goliath and they will raise him to a kingdom and keep him there —for awhile. The reformer and his fellow students may sit about the table and evolve high principles for action, but the people, even those of his own stratum, will not be fed those principles unless there is a dramatic setting, and the favorite dramatic setting is the killing of a dragon. This is not intended to be a reflection on the voting public; it is an inexorable fact that no true student of American government can afford to ignore; and if in this respect we differ at all from European peoples, it is probably due to the fact that in the scramble for getting on we have neglected the better community traditions. What traditions we have nurtured in the past are mainly the bad traditions and not the good ones.

Mr. Hunt proceeded vigorously with his new duties as prosecuting attorney. He began at once to lay plans for bringing to book the boss himself—a thing that had never been dared before. In the meantime, public sentiment had taken an immense stride forward. Persons who had all along said, "What's the use?" began to take hope. The ball had been set rolling, and notwithstanding an occasional relapse or slowing up, it has not stopped rolling yet. Mr. Hunt surrounded himself with the best talent he could get for his assistants. Two of the most learned and best equipped lawyers in the city, at much sacrifice to themselves, joined with him. The boss was indicted, and people were correspondingly elated. But the boss was not convicted. The judges on technical grounds released him. Hunt quarreled with the judges; he taunted them and whether rightly or wrongly, he defied them. So he had his victory after all; for the people who had enjoyed the spectacle of the fight were with him.

The mayoralty campaign was soon on. The old Republican organization renominated the incumbent, a kindly disposed German physician. Cincinnati is a conservative community, overwhelmingly Republican, in which the Germans predominate. The doctor had many friends. It looked like his re-election. There was only one hope—Hunt. Much against his will, because his term as prosecutor had not yet ended, Hunt

consented to stand for mayor. He could afford to be independent, however, and he insisted that the ticket nominated with him should comprise the best men available. His advice was heeded, the ticket was elected, and the result was that Cincinnati never had a better opportunity for good government.

Special mention must be made of the candidate for city solicitor. Alfred Bettman, an A.M. of Harvard and an honor man of the Harvard Law School, had long participated in a quiet way in the reform movement. He was one of those selected by Hunt to be an assistant in the prosecutor's office. One of the leaders of the bar, a student of the science of government, he had made himself an expert in the matter of public utility control long before he had any thought of holding office. He was just the man for the place, although not the kind who would run well in a campaign. In temperament, he is entirely different from Hunt—courageous and disinterested, but not belligerent; tactful and slow to follow impulse. These two friends, together with the public safety director, the public service director, the city engineer, and others formed a coterie that is rare, indeed, in the annals of municipal government in America.

The people were delighted with their choice. Praise was heard on all sides for the mayor's selection of his cabinet. The defection to the new camp was like an avalanche. Business men and conservatives of the old school who were always good citizens but afraid of the so-called vagaries of the reformer came over in large numbers. The atmosphere had suffered a tremendous infusion of ozone. Young men needed no longer to truckle to pursue their callings. Nor was there anything sanctimonious in the flavor of the new administration. It was soon understood that there was to be no intolerance or unnecessary restraint of decent liberties. The administration had the council with it, too—on the whole, a reformer's paradise.

If there were nothing further to record until the defeat of the administration at the last election, the gain notwithstanding this defeat, would have been and is still inestimable. The old order is gone forever. While the people are fickle and sometimes disposed to regard the mote instead of the sunbeam, they will never tolerate a complete retrogression. The pendulum of the popular mind will swing, but never so far back as the first beat, because the popular mind has been educated—at least it has had its primary lesson. This is point number two in the psychology of the voting mass.

The first note struck by the Hunt administration was the adherence to the campaign declaration that there was to be no wholesale turning out of the old place-holders. A cloud forthwith appeared, "no bigger than a man's hand." The Democratic organization under whose colors Hunt had sailed sent up the cloud. Through the influence of the mayor, a civil service commission was appointed, consisting of three dyed-in-the-wool

civil service reformers, good men and true, who immediately set about the institution of a thorough-going system of examinations.

Then came the constructive work, into which Mayor Hunt put himself with all his heart and soul. Among the first jobs he tackled was the removal of the delinquent and dependent children of the house of refuge, an old ramshackle building, to buildings in the country. He then delved deep into the tenement question—housing reform. He had appointed as building inspector, a ruggedly honest man, who though perhaps lacking in tact was uncompromising in his opposition to law violators. The building inspector, being no respecter of persons, would now and then step on the toes of a vigorous Hunt supporter; and before the end of the term, legions of such toes were stepped on.

Practical reformers have learned that to succeed with reform one must be a conservative reformer. Point three in the psychology of the voter is that his toes must not be stepped on.

From housing reform, Hunt branched away into street railroad extension. He soon saw that unless the small-home territory is enlarged and suburban territory made available, the tenement problem will remain practically unsolvable. Thereby hung, however, a long tale. The Cincinnati Traction Company, or rather its lessor, obtained some years ago, through an act of the legislature, a fifty-year franchise for the exclusive use of the streets. For many years the traction company has been playing fast and loose with the city, the provisions in the francise contract having given the city little or no power to enforce satisfactory service. Futhermore, the political organization in power and traction interests had always been on very friendly terms and the traction company had always seemed to feel that there was no danger to be apprehended from any court action. Their contentment was felt by all to be justified by the facts. There is a provision, however, in the franchise contract under which the traction company must submit to revision of fares in 1916. Mayor Hunt very wisely and with great discernment approached the traction people with an anticipatory compromise proposition, embracing, (1) the features of a valuation of the company's plant to be agreed upon upon an equitable basis; (2) the exchange of the company's fifty-year franchise for a so-called "indeterminate permit"; (3) the building by the city of a rapid transit right of way over an abandoned canal bed in conjunction with an underground city loop, the traction company to operate the rapid transit system, the company also to provide for suburban extensions when demanded by the city; the whole object being to bring suburban cars into the city proper with great speed, thus opening up an enormous undeveloped suburban territory.

Mayor Hunt, with the able assistance of the city solicitor, made splendid progress along this line. A tremendous amount of hard work was done by the city administration. Enabling acts were secured from a

friendly legislature; the state was induced to abandon to the city a long stretch of an unsightly and practically disused canal that has been a menace to health and a disgrace to the city for years; and it was in the bed of this canal that the entering right of way was to be constructed; an expert was employed at an expense of $20,000 to make detailed observation of the running of the present street-cars in the heart of the city itself, and to devise a system of re-routing by which congestion might be avoided; and finally, with the help of a certain number of public-spirited citizens, the mayor secured the services of an expert engineer to lay out the plans for the loop and interurban system.

While the laying down of these comprehensive plans was agreed on every hand to be a vital necessity for the city's future growth, naturally the more the thing was talked about, the greater was the opportunity for criticism. In the first place, the traction interests and other allied interests who had been going along the even tenor of their way, were averse to being hectored into any kind of a traction settlement at this time. The plan would, of course, involve a valuation of the plant, and there was much wailing and gnashing of teeth at the bare thought of the possibility of reduction in the stock value of the Cincinnati Street Railroad Company. This stock is very widely held among all classes of our citizens. In the next place, the employment of experts from outside the city, though they were the only men who could be secured for the purpose, was used by the old organization with all the ringing of the changes on the susceptible public. Point four in the psychology of the average voter is that notwithstanding his general desire to have an efficient administration, his misplaced patriotism resents the employment of experts from outside the city. Practical reformers are by this day well aware of this tendency and designing politicians take good care to nurse it on all possible occasions.

Notwithstanding all the criticism, a large part of it being ill-digested and hastily considered, Mayor Hunt went on with his work and was in a fair way to succeed, when another disturbing event took place. The radical element in the city, headed by Herbert Bigelow, began to make clamor against the large capitalization Mayor Hunt was about to agree upon with the traction company for the purpose of basing fares and other calculations. Following upon this clamor, Mr. Bigelow, who was a member of the legislature, introduced in that body a bill to revoke the franchise of the traction company under a somewhat dubious clause of the state constitution appearing to give the legislature that right. Mr. Bigelow did this without consultation with the mayor or the solicitor, and the effect of the introduction of the bill, although it was subsequently defeated, was to arouse a bitter wrangle between the mayor, the radical element, and the traction interests. The radical element had supported Mayor Hunt in his campaign for election, and the demoralized leaders of the old organization began to rub their hands with glee.

Meantime, the cloud erstwhile no bigger than a man's hand, began to grow. I refer to the disgruntled Democrats who had waited and waited for their jobs, always hoping that the mayor had not really meant what he had said. It soon became apparent that notwithstanding all the good work that Mayor Hunt and his associates had done, the dogs of war were loosing themselves and the serenity attending the opening of the administration was wellnigh dispelled.

Mayor Hunt, nevertheless, continued in his constructive work, and it is of course impossible in this restricted space to mention all of the accomplishments. Suffice it to say that there was scarcely an avenue of city activity in which changes and improvements were not sketched out and partially entered upon. Subtracting those whose toes had been trod upon, the approval and praise of the administration grew day by day.

The overwhelming disaster of the flood in the Ohio Valley will be recalled by all. Mayor Hunt pitched into a work of salvation and rescue with all the enthusiasm, despatch and skill of a full-blooded, well-trained American citizen. The mayor won much praise for his work in this regard and even his detractors fell back on their haunches for the moment and had a vision of the mayor's return to complete popular approval.

Then came another blow. Strikes sprang up in the textile and shoe trades. The mayor was be-labored by the manufacturers for police assistance. The mayor at first conceived that the manufacturers wanted him to help suppress a legitimate strike. So, while he did his duty, he did not accede to all of their demands. This took from him the support of many good citizens who had been loudest in their approval of him when he ran at the polls. When later, after certain acts of violence startled the community, the mayor strengthened the police protection, he incurred to some extent, the ill-will of the unions.

Finally, there came a strike of the employees of the traction company. All the lines were tied up. Popular opinion was with the strikers. Nevertheless the mayor gave what police protection he could to the company. Strike-breakers were imported; the police became worn out with their long vigil, and it was no longer possible to run cars. The mayor asked the governor for the militia. Whereupon the latter refused to send it. The radical element of course resented the call for the militia. The city solicitor thereupon brought an action in the common pleas court, asking for a receiver for the company on the ground that it was not performing its public duty. This action brought the company to time, arbitration was agreed upon, and the strike was settled. But it was at a tremendous cost to the mayor and his friends, for not merely the traction company but all of the capitalistic class, many of them the mayor's strongest friends, bitterly resented the action of the solicitor, not without good reason. The strike was over, but it left the political future of the mayor in the balance. The radical element was stirred up against him, the capi-

talistic element likewise. He was charged with playing to the galleries, with vacillating, with breathing hot and cold. It was a most difficult situation.

Other strikes followed, but, with the exception of the ice-handlers' strike, the mayor largely kept his hands off.

As a result of all of these happenings, it was felt, along towards the summer, that the mayor's chances for re-election were not at all rosy. Between this time and the election, however, the atmosphere being once more peaceful, a slight reaction did set in in favor of the mayor. It was whispered about that the old organization had helped foment the troubles. Loyalty to the administration for its good work re-asserted itself. The campaign was well planned and vigorously conducted. Both evening papers were plainly on the side of the mayor, and even the strong morning newspaper.

It looked like a close election, and, indeed, on the eve of the contest the Republican organization had practically conceded its defeat. So that when the votes were counted and it was found that by a small majority Mayor Hunt had lost, every one was surprised.

Now, however, after the lapse of some months, it is not so difficult to sum up the causes. Chief among them was the defection in the Democratic ranks, due to the disappointment of the place seekers. It was known during the campaign that one of the old Democratic war horses had opened an office from which was conducted an internecine fight; every one whose toes had been stepped on was hostile, notwithstanding many among these praised the mayor for his good work; the radical element while acquiescent, on election, supported the mayor only negatively. The capitalistic class suspected the mayor and especially the solicitor of having "socialistic" leanings; the old organization promised reform within their ranks, and they were to a large extent believed. A curious phenomenon followed a few days after the election. Many who had voted against the mayor declared that they were sorry, and it was the prevailing opinion among those with opportunity to feel the public pulse that if the election were to be held over again, the result would be reversed.

It was a great pity. The fruition of a great many constructive policies seemed close at hand. Notwithstanding the mistakes of the administration, if any there were, it seemed the logical thing for the community to allow the man it had picked to do this constructive work and carry their plans to an end. But as has been said, right here is the difficulty. Municipal reconstructors must inevitably encounter it. It seems a shame to say that onemust "play politics" and take account of the feministic tendency of the elector. And perhaps it is not quite true; but in the present state of public education (one cannot always find dragons to kill), it is plain that unless all the conditions are just right, it is difficult for a thorough-going reform administration to survive for long. This is not

true of Cincinnati alone, but probably holds good in other conservative cities like St. Louis, Philadelphia, and Boston. It is easier in Cleveland —yes, even in New York or Chicago, in which communities the people are beginning to learn that every administrator who looks a little bit forward is not that much-dreaded animal, which many of our good citizens not very intelligently, but for the want of a more awful term, usually dub a "socialist."

The present administration has promised constructive reform. The time is too short to judge whether the promise will be fulfilled. It is enough to say that the good done by the former administration is by no means forgotten. A standard has been set, and if it is not quite lived up to, at least there will be no going backward.

THE GRAFT INVESTIGATIONS OF A YEAR

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IS THE general plane of political morality in the United States steadily rising? Most people would answer that question in the affirmative and perhaps rightly so. Yet the fact remains that a chronology of alleged public wrongdoing, of charges, counter-charges, indictments, trials and convictions for malfeasance and corrupt conduct in places of public trust—a list covering no more than a single twelvemonth is at any rate long enough to prove the enormous problem which still confronts the people of this land in their endeavor to make common honesty a rigid principle of public administration.

Our troubles in this matter are not confined to any one part of the country or to any one class of officeholders. Two or three features, however, stand out prominently in the calendar of wrongdoing to which the next few pages of the NATIONAL MUNICIPAL REVIEW are devoted. Foremost among these is the way in which a graft prosecution can be delayed and dragged on month after month until popular resentment dies away and public opinion no longer cares much whether the proper punishment of an offender is accomplished. Technical points without number are interposed to get changes of venue, or postponements, to quash indictments or to have verdicts set aside. A speedy trial, conviction and sentence form a combination which is not simply exceptional, but practically unknown in this country so far as official malefactors are concerned. It is in this field that our judicial system looms up at its very worst.

A second feature is the readiness with which grave charges are trumpeted abroad without the slightest preliminary investigation and then later found to be baseless. So common has this become that when charges are laid against any public official his political friends usually feel bound to stand by him and maintain that the whole thing is a partisan frame-up. Charges are made at white heat, then they cool off slowly under the chilling influences of district attorneys or grand juries. It is true, of course, that we now have a somewhat keener public antipathy towards the very appearance of evil in the affairs of the community than we had some years ago; but where the law tolerates by its inaction or tardiness, public opinion is not apt to be very vigorous. In the case of the election frauds there is apt to be lacking even that mild indignation which rises among the people when public money goes into private pockets, and election frauds are not yet by any means uncommon; they are in some places

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quite easily "pulled off"; although not so easily as in the old days. Even the newspapers find it hard at times to work up much public feeling with respect to this cheating the ballot-box, which is after all the most serious of crimes against the institutions of free government.

From one year to another there does not seem to be any great falling-off in charges, prosecutions or convictions, which means that with so much smoke there must still be many burning embers. Several questions might properly be raised in this connection. What is the ratio between actual graft and formal prosecutions? Does absence of open trouble in any city mean that all officials are honest or merely that the public conscience has either gone to sleep or become callous? This is merely a wider application of the old question as to whether a reduced number of arrests is a sign of better public conduct or of less efficient policing. It may well be the result of either, or of both.

Here, at any rate, is the rather sordid anthology, culled from newspapers all over the country and stated as briefly as possible. The list does not include anything from that host of faint rumblings and rumors which never reach the investigation stage.

Chicago. The forms of political and administrative scandal unearthed in Chicago have been as varied as their number. The probing of the "crooks' trust," the voting-machine scandal, the November ballot frauds, and the investigation into the deputy smoke inspectors' "club," are some of the larger undertakings seeking to purge the public morals, although the effect of some of the less notorious investigations has been equally great.

The revelations as to the profits to be derived from wholesale collusion between all varieties of crooks on the one hand, and organized police and political protection on the other, are the more discouraging from the fact that it seems probable that the evil, instead of being wiped out, is being driven from one large city to another. After the Rosenthal murder in New York, the city became too insecure a haven for the most accomplished New York crooks, and they apparently transported their operations to Chicago as offering a promising field. The first arrest was that of Barney Bertsche, politician, insurance broker, former saloonkeeper, etc., on a charge of conspiracy. Bertsche was alleged to be the brains of the "fortune-tellers' trust," as well as of the highly organized gang whom he was supposed to have brought to Chicago. This organization, under the sponsorship of certain politicians allied with various policemen, included clairvoyants, burglars, highwaymen, confidence men, sneak thieves, pickpockets, wire-tappers, etc. At its head was one man, believed to be Bertsche, who farmed out the city for exploitation by means of a carefully-organized system of finding promising leads for swindling and of protection, both for the swindlers and for the police who guarded their operations. Most is known of the "clairvoyant trust," which,

with the closely-allied band of wire-tappers, is said to have netted about half a million dollars during the eighteen months preceding the breaking-up of its band. So complete were all the arrangements for a smoothly working organism that conventions of clairvoyants were regularly held for the discussion of best methods of operation and protection; it failed only when the head of the trust became too greedy and demanded a larger percentage of the profits. Bertsche is reported to have received fifty per cent of these. The steps in the development of the case following the arrest of Bertsche were his indictment and that of six other clairvoyants, and the suspension of five city detectives who were also caught in the net opened up through a private detective agency. Thirty-three indictments in all were returned in these cases by the grand jury; all being against various individuals for sundry offenses and not against the "trust" itself.

Other investigations of a similar nature included that begun by the board of aldermen on the charge that Alderman "Manny" Abrahams of the notorious twentieth ward was "the man higher up" in the graft allegations made by about two hundred peddlers and small produce-dealers from the west side markets. The latter complained that the city market master had been over-collecting fees from them, promising exemptions which had never been granted in fact, and threatening to "get" any one who testified against him. Early in 1914 came the arrest of an ex-policeman charged with attempting to bribe the head of the morals inspection bureau. Although the case has not yet been finished, it is thought that the arrested man, a private detective, may be the direct agent of the famous "vice king."

The investigation undertaken in August by the civil service commission as to the management of the smoke department resulted in the discharge from the city's service of eight out of the eleven members of the department (one member originally charged being exonerated by the commission). The eight smoke deputies were found guilty of accepting bribes in the form of merchandise and commodities of every sort from firms which they did not report as violators of the smoke ordinance, of using their office for the purposes of extortion, and of insubordination, false reporting and loafing. Evidence in the case disclosed the existence of an "exclusive club" fitted up by violators of the smoke ordinance for the benefit of the deputies.

Just a word ought to be said in explanation of the voting machine scandal. In letting the contract to the Empire Voting Machine Company, a deal was alleged to have been engineered by means of $200,000 paid mainly to the publisher of a Chicago paper and other men in touch with his influence. An important source of evidence was the confession of a judge, with affiliations in the same direction, to whom the men who had let the contract owed their appointment.

Some by-products of the November, 1912, elections were the vote frauds which have been coming up for trial ever since last January. Fraudulent use of the ballot was claimed in the election of the state's attorney,—not only in the case of Maclay Hoyne, the Democrat who secured the election, but also in behalf of the Republican candidate, Leland Rapp. A recount of the ballots definitely revealed the existence of such irregular practice. Difficulties and delays were placed in the way of an early investigation and trial but the case went to the grand jury, with the result that an indictment was returned charging illegal marking of ballots during the count at the close of the polls. The trial jury subsequently found two of the indicted persons guilty, the convictions being the first ever made in Illinois for altering ballots or election returns. The next batch of the seventy election-fraud cases concerned workers in the twentieth ward, and their case was investigated by the special state's attorney for the special grand jury appointed by Judge Cooper. In this instance, which was marked by counter-charges on the part of State's Attorney Hoyne, a request for a change of venue, and other moves to hinder proceedings, the five men from ward twenty were all found not guilty, although the jury encountered conclusive evidence of forty-five fraudulent votes checked in favor of Mr. Hoyne, Peter Bartzen, president of the Cook County board, and Anton J. Cermak, bailiff of the municipal council—all members of the same political party. The outcome of the third case, that of Assistant State's Attorney Bernard J. Mahoney, tried for complicity, was long in coming, but on April 15 he was acquitted of "short-penciling" ballots. Here again the jurors were agreed that fraud had been perpetrated (in the twenty-eighth precinct of the thirty-third ward), but they felt the evidence not conclusive enough to fasten the guilt upon Mahoney. The next cases to come up will probably be those of two Democratic committeemen from the nineteenth and thirty-fourth wards, and of Joseph Kostner, a deputy-commissioner of public works. Newspaper comment and approval of the action of Special State's Attorney Northup has been constant during the progress of these trials, and public sentiment against this form of crime has been forcible. A feature of the April municipal elections was the arrests made for intimidating women voters by the "vice ring" and the investigation by the board of election commissioners of the charges of fraud in over twelve hundred registrations.[2]

Graft in the administration of the city's affairs had its due share of attention, although no actual convictions resulted. In October Alderman C. E. Merriam made a charge that Chicago municipal affairs were managed for the personal profit of a coterie of lawyers, politicians, contractors and resort keepers, and stigmatized the Harrison administration as a "local imitation of Tammany." Alderman-professor Merriam

[2] See NATIONAL MUNICIPAL REVIEW, Vol. III, pages 153 and 399.

asserted the existence of graft particularly in contracts for prison labor—his own words being that "the political system that controls Chicago overlooks nothing—not even the convict"—and in connection with the contract for garbage reduction. The bureau of public efficiency made a report to the city council in March alleging wholesale squandering of public funds and pay-roll padding in city hall. It is claimed that men drawing pay from the city are at the same time engaging in other business. The bureau's inquiry had to be restricted to the office of the city attorney in the law department because of Mayor Harrison's refusal to permit an investigation of conditions in the city hall; but the evidence secured in this one case, if typical of more, shows a very lax state of affairs. In this single office twenty precinct committeemen were found to be on the pay-rolls although performing purely nominal service and doing little or no work for the money received from the city. Nine men were discovered to be engaging in other occupations, their service to the city consisting merely in reporting personally or over the telephone for a few minutes on most days of the week. The attorney's office has made a rather phenomenal increase in expenses during the last ten years, the increase being 143 per cent, or $69,940. It has also greatly enlarged its personnel, from forty-two to seventy-nine, although citizens of Chicago fail to note a corresponding increase in the effectiveness of the office. The charges are being investigated by the corporation counsel and the city attorney.

Cook County and the city of Chicago have been the scene of a good deal of grafting in addition to the widely advertised cases just outlined. There have been investigations into the extravagance and waste connected with the building of the new county hospital, as also into the relations existing between federal officials, criminal defendants, bondsmen and attorneys which have given rise to such scandals as that of the colored prize fighter who is said to have paid $25,000 to escape punishment for violating the Mann white slave act.

New York City. The general topic of graft investigation in New York City during the past year cannot be discussed without some mention of the Sulzer impeachment, nor, indeed, can that event be separated from the prosecutions which came later and the overthrow of Tammany in the November municipal elections. As is well known, an open break between the governor and Boss Murphy followed various appointments made from the governor's office, which were refused confirmation by the Tammany senate. Out of this deadlock between the government elected by the people and "the invisible" government, came the appointment of the Frawley committee, at first for the purpose of investigating state institutions in general, but rapidly developing into a probing of the personal affairs of Governor Sulzer. By the end of July, 1913, it was openly announced that impeachment proceedings would follow if the slightest

ground could be found on which to base them. Governor Sulzer, on the other hand, executed a counter-stroke by appointing, under the Moreland act, his adviser-in-chief, John A. Hennessey, as a special agent, to investigate every state department. On August 13, Sulzer was impeached on various counts, chiefly that of obtaining campaign funds by illegal means and later using them for personal ends. Mr. Hennessey, meanwhile, had turned his attention to the Tammany-controlled state departments, and charges involving not only the state highway department, but the building of the Catskill aqueduct and the Barge Canal Construction Company were soon brought forward. In the ensuing John Doe proceedings against Tammany Hall for "sandbagging" contractors on the state-highway and barge-canal work into making campaign contributions, the testimony which District Attorney Whitman succeeded in bringing out shed light on some interesting political practices. In awarding contracts for highway work, the specifications were so written as to exclude all unfriendly firms. In one case the terms by which a certain company was "let in" included a $5,000 campaign contribution to the Democratic state committee and a commission of one per cent on every gallon of asphalt and oil used, this latter to go to a prominent member of the party. The indictment of Everett P. Fowler, "bagman" of the state committee, of Arthur McLean, its treasurer, and of James K. McGuire, a former mayor of Syracuse, for improperly soliciting campaign funds followed close upon these disclosures. In the Catskill aqueduct work it was charged that five per cent, or over $40,000, out of the $8,000,000 paid on one single contract, was turned over to a Tammany politician by the company which secured the contract. Mr. Whitman's information in these proceedings came largely from the testimony of ex-Governor Sulzer and the contractors who felt themselves aggrieved because they failed to land contracts or because of treatment which they considered unfair. The district attorney's attempt to convict "the man higher up" by tracing money secured in this way to the coffers of Charles F. Murphy and James E. Gaffney was unsuccessful.

An interesting feature in all the New York graft cases is the haste exhibited by all who felt their positions becoming at all insecure, to proffer evidence against wrongdoing, even though self-confession were involved, it being regarded as distinctly better policy to run the risk of indictment on self-confession than to be caught in the meshes of evidence given by another. One reward, at least, attended this policy: the dismissal by Mr. Whitman of the indictments against two policemen for their evidence in connection with graft in the police department following the investigations which had their instigation in the Rosenthal murder. Passing mention only need be made of the execution of the four "gunmen" in April and the conviction of Lieutenant Becker at the close of his second trial.

The wire-tapping swindle which came to light in November pointed to the existence of collusion between the police and the wire-tappers. On the strength of a confession by one Al Cohen, a member of the "gang," ex-Captain Dominick Riley (known as the "model cop") and two other policemen were indicted for taking bribes from the wire-tappers. Evidence showed that a rake-off of ten per cent was being paid regularly for police protection and that, at the same time, the police were shielding a system by which clairvoyants were fraudulently getting large sums in their trade.

Earlier in the year, in connection with the new taxicab ordinance originated by Mayor Gaynor and passed by the aldermen, the existence of a free riding-list for city officials and policemen was discovered to be the channel through which large taxicab companies paid for the privilege of "owning" certain stands and hotel-fronts, and were enabled to drive out independent taxi-drivers. The new ordinance established certain definite fare-rates and, in abolishing all private stands, did away with the collection of money for this privilege by hotel and restaurant keepers as well as by policemen.

East St. Louis. Speaking in terms of numbers merely, the city of East St. Louis bears the palm for indictments returned in a single graft investigation, the total being, according to published accounts, from eighty-six to 116 indictments against twenty-eight present and former city officials. Information in the case was furnished last June in response to an offer of immunity to any law-breaking officeholder who would make a full confession. A confession was soon forthcoming from an ex-councilman who had, a few months before, been indicted on the charge of obtaining money by fraud. In this confession six members of the 1912 city council, former Mayor Lambert, and the corporation counsel under his administration, were accused of extorting money for the passage of public utilities' franchises. In August a suit was brought by the city council against former City Treasurer E. Fred Gerold to recover $31,414 wrongfully and illegally diverted from the "special funds" of the city, and to recover also $10,261 which Gerold was alleged to have kept for himself as collector of the city taxes in 1912. Gerold was found guilty in March and sentenced to imprisonment on the charge that he withheld $50,000 in city funds. A former deputy building commissioner was indicted in October for embezzlement and, on January 26, was declared guilty of secreting $600 to defraud the city. In the meantime the St. Clair grand jury, under State's Attorney Charles Webb, had been investigating for five weeks the municipal affairs of East St. Louis, and on October 21 it reported indictments against twenty-eight persons, including twenty-four former city officials under the Lambert administration. The charge in most cases was that of conspiracy to defraud the city of about $100,000, and covered systematic frauds carried on in the health and street depart-

ments and in the city treasurer's office. These latter consist, for the most part, of double payments on bonds and coupons, excessively high prices paid for supplies and work, and agreements among the city officials to help each other out in abstracting money illegally from the city treasury. In November more indictments still were brought in, although no more persons were involved, making at least eighty-six on a conservative estimate. The trials are still in progress. In summing up the situation to the jury, Judge Vandeventer gave a hopeful view of the city's plight in saying: "East St. Louis is no better and no worse than other cities of its size. But its citizens have too long been indifferent to the acts and doings of their city officials. Even now, the moral effect of these indictments and your work in general since this session began, is clearly visible."

Detroit. The trial of the aldermanic bribery cases involving Alderman "Honest Tom" Glinnan and others who were arrested on July 26, 1912, has been greatly delayed because of the difficulty in getting together a satisfactory jury panel to serve in a case of such renown, and even now, indeed, the prospect of a trial seems rather remote. Two requests for a change of venue have been made on the ground that a fair trial could not be had in Detroit; one was refused by the supreme court and the other is pending. In the meantime Glinnan was re-elected to the board of aldermen and made chairman of an important committee despite the fact that so many of the citizens believe in his crookedness. On March 7 an order was entered sending the case to Monroe for trial. But an appeal has been made to the supreme court asking that the order for a change of venue be set aside. The *Detroit News* for April 14 suggests in no uncertain terms that the delay in bringing the case to a final trial is due to the desire of Prosecutor Shepherd to interpose a sufficient number of obstacles in the way of convicting Alderman Glinnan. The *News* urges investigation by the governor into the prosecutor's actions lest the delay of nearly two years will of itself make conviction impossible. In February a minor voting fraud case was brought to light, and a couple of months later a disclosure of graft in the Detroit police department gave the record of that department the first black eye in six years.

San Francisco. Under District Attorney Fickert and Assistant District Attorney Brennan, the police department of San Francisco has been subjected to a rigid search for grafters, resulting in a large number of indictments. In the course of the investigation it was discovered that toll was being exacted by policemen from unfortunate women of the city to such an extent that one girl was forced to pay nearly $900 in order to be rid of police espionage. But of more importance still was the unearthing of a ring of sixty-four bunco men between whom and some of the police there were such open relations that protection by the police was a matter of public knowledge. In return for protecting these bunco men

the policemen received a fifteen per cent share in the profits from robberies. It was partly because he demanded an increase in the rake-off to twenty-five per cent of the profits that Detective Frank Esola, for sixteen years a member of the San Francisco force, came to grief and was indicted for grand larceny through the evidence of Michael Gallo, a bunco man, on the charge of corrupt collusion with the ring. Seven other policemen were corralled on small charges, and four more were accused of complicity in the wholesale swindling which has gone on in the city. This form of fraud is said to have yielded more than $300,000 since 1905, when regular police protection was first established for the bunco ring. It is worth noting that, although previous to the trials the municipal police has seemed to be oblivious to the presence of criminals as such in the city, during the trials and since then the pickpockets and other malefactors have been inclined to keep out of the way.

Philadelphia. Mayor Blankenburg in October asked for an appropriation of $10,000 to defray the expenses of an examination into the accounts of the departments of public works and public safety, and appointed Messrs. Fernley, Vollum and Rorer, of an accounting firm, to make the investigation. The direct cause of the mayor's action lay in the discovery of various unexplained accounts in those departments, which had come down from previous administrations, and particularly in a request from the city council for information as to the payment of $20,000 by the Pennsylvania Railroad for proposed exchanges of property between the city and the company in connection with a plan for abolishing grade crossings. The report of the experts appointed by Mayor Blankenburg to investigate concrete work done in one of the public parks at a charge of $277,000 makes it clear that the contract was not awarded on principles of good business and honesty, and that the work has been so badly done that the outlay will probably prove a total loss to the city. It is expected that the mayor will authorize a civil suit against the contractor.

St. Paul. The St. Paul graft investigation which was begun in December on a charge of extortion laid against two city officials developed quickly into a scandal involving politics, paving contracts, saloon affairs, and underworld finances. Martin J. Flanagan, the deposed chief of police, and Fred Turner, former city detective, were indicted on December 13 on charges of bribery and of grand larceny in the first degree in connection with disorderly houses and resorts. It was asserted that about $10,000 had been collected by these men from women of the underworld. In February a verdict of not guilty was returned on the charge of accepting a bribe of $1,000 from a woman in return for police protection of her resort; on a second indictment, for a similar offense, both men were convicted and sentenced to the state prison. The first verdict met with

great popular disapproval and the committee of citizens responsible for the graft exposure are still looking for "the man higher up."

Atlantic City. On December 10, Louis Kuehnle began his year's sentence to prison. Kuehnle, who was indicted and convicted in December, 1912, had been for thirteen years the boss of Atlantic City, with power said to be more nearly absolute than that of all other municipal bosses combined. The charge on which Kuehnle was sentenced was that of voting as a water commissioner of the city to award a contract to a company in which he was a stockholder. His term of imprisonment has been curtailed, however, for the state board of pardons on April 14 granted an unconditional pardon, to become effective on June 1. Public favor is now said to be somewhat on Kuehnle's side. Three other former city officials, who were convicted of grafting, are to be released on June 1 as well, and a commutation of sentence has been granted to the former sheriff of Hudson County who was convicted of conspiracy.

St. Louis. Charges were brought forward against the superintendent of the city workhouse, alleging brutal treatment of the inmates, the sale to them of whiskey and drugs, and trafficking in paroles for workhouse prisoners. In this latter connection evidence showed that the sum of $150 was to be paid to the chief clerk in the city lighting department on receipt of a parole by one of the prisoners. The St. Louis municipal assembly came in for its share of graft scandal, frequent bribery being alleged in connection with the passage of different bills. One indictment was made for attempting to bribe a member of the house of delegates to pass the ten-cent-tax-increase-bill over the mayor's veto. Charges were also made against the city supervisor of plumbing for accepting money in return for various favors.

Montgomery, Alabama. This city has been the scene of an investigation into an alleged discrepancy of over $100,000 in the state convict department resulting in the trial of James G. Oakley, former president of the convict board, on charges of embezzling state funds. The attorney for the defense alleged conspiracy on the part of various state officials to prevent witnesses from testifying in Oakley's behalf. A later development in this case was the startling statement made by Theodore Lacy, chief clerk of the board, who had been convicted of embezzling $50,000 from state funds and sentenced to ten years in prison. Lacy, in March, alleged that he had turned over to Governor O'Neal in 1911 the $27,500 reported to have been paid to him by Oakley. The governor has replied with an out-and-out denial and a request for a grand jury investigation.

Terre Haute. Pleas in abatement have been put forward on behalf of the mayor and others recently indicted with him on charges of election and primary frauds. The pleas charge illegality in making up the special jury which returned the indictment, as well as bias and prejudice

on the part of the special prosecutor. Former Councilman W. A. Huffman, after being convicted for participation in election frauds, received a sentence of from three to ten years in the state penitentiary and ten years' disfranchisement. In the later stages of the trial, evidence was given as to many illegal devices put into use at the elections by supporters of Mayor Roberts at his instigation.

Butte, Dayton, Denver, Fort Worth, Hoboken, Portland, Reading. In these other large cities graft disclosures have been somewhat less serious. In *Butte* violent charges against Mayor Duncan were made this spring by the city clerk at a meeting of the Socialist party, of which both the mayor and the city clerk are members. The mayor was accused of shielding grafters and go-betweens, of menacing the party's representation in the city council by political chicanery to prevent appointments which he opposed, and of devoting the Socialist organ to his own purposes. No formal action has been reported thus far. On the apothegm of Carl Schurz, that "every lavish government is a corrupt government," *Dayton*, previous to its adoption of the city-manager plan, has been proved corrupt to the extent of $18,414.95. This amount includes various forms of petty graft, such as Sunday newspapers for city officials, overcharges for medical service, the retention of fees belonging properly to the city, etc. In *Denver* there have been various charges of graft made against members of the police force, and a former alderman was indicted on the charge of attempting to bribe a member of the fire and police board. In the trial of R. L. Rogers at *Fort Worth* for offering bribes to former County Judge Bratton, District Judge Swayne deplored the wide-spread tendency towards graft and bribery throughout the country and ordered the grand jury to make a sweeping investigation of all county officials and their acts, including the award of contracts in connection with building the new reservoir and bridges. Rogers was acquitted, however, in the immediate investigation, and Judge Bratton was himself later accused of accepting a bribe from the owner of a saloon who wished his liquor license preserved. In *Hoboken* thirteen election officers—eight Democrats and five Republicans—were convicted on the charge of having made false election returns while serving in the primary election of September. Cases against two others were dismissed on the ground that their errors were unintentional. The police department of *Portland, Oregon*, was subject to a thorough investigation following the unearthing of scandals among its members. Later, in March, a charge of graft preferred against the chairman of the county commissioners was shown to be faulty and without foundation. Several charges of bribe-taking were brought against city officials in *Reading, Pennsylvania*. Of these, John H. Lewis, a former member of the common council, was found guilty of accepting a bribe in connection with the purchase of fire apparatus; but his pardon was recommended by the court in view of the procedure used in obtain-

ing evidence against him. Former City Clerk L. S. Ramsay was declared not guilty on a similar charge.

Minor Cases

Bay City, Michigan. An alderman was accused of fraudulent collections of money from the city and from contractors interested in city work. Graft proceedings were also begun in connection with irregularities in the construction of a sewer in 1912.—*Gallipolis, Ohio.* Four county officials were indicted for embezzlement of county funds and for soliciting and accepting bribes in connection with county road-work.—*Grand Junction, Colorado.* The district attorney in March charged that gigantic graft was associated with the construction of a county bridge, and that there is evidence to show the existence of a bridge trust in the city and the county. No legal action seems to have been taken on the charges.—*Granite City, Illinois.* Ten men were arrested and held for bribery at the March elections. After an investigation made by the chief of police, a great many others were found to be involved. Four of those arrested were dismissed on March 30 for lack of evidence.—*Greeley, Colorado.* An investigation has been undertaken by Governor Ammons of the charges of grafting preferred against the president of the Greeley normal school, who has been denounced in the newspapers as the "Colorado Huerta who victimizes the innocent children of his opponents."—*Mt. Clemens, Michigan.* Charges have been brought against the acting superintendent of the water works and counter-charges against certain members of the board of public works.—*Muskogee, Oklahoma.* D. L. Middleton, county treasurer, was convicted of embezzling $4,000 from county money and sentenced to serve three years in the penitentiary as well as to pay a fine of $8,000.—*Newport, Kentucky.* In June, 1913, the first commission-government mayor of the city was indicted for false swearing and malfeasance in office in the award of contracts to a company in which he was greatly interested. A county judge and seven magistrates comprising the fiscal court of Campbell County were indicted on a charge of knowingly and unlawfully voting to expend and expending money in excess of the amount annually levied and appropriated to the road and bridge fund.—*Racine, Wisconsin.* Charges of graft in accepting small bribes were brought against members of the city council and other city officials. An investigation also was made into the affairs of the police department. —*Rock Island, Illinois.* A former state's attorney and the sheriff were jointly indicted on charges of conspiracy and bribery.

Sheridan, Colorado. Mayor Lawton and F. A. Dotson, a contractor, were found guilty in the district court of conspiracy to defraud the town of Sheridan in the matter of granting contracts and building sidewalks. Four trustees of the town, co-defendants, were acquitted. A new trial

will be asked on the ground that the evidence was not sufficient.—*Springfield, Illinois.* Irregularities in the transactions of the state board of live-stock commissioners led to an investigation by civil service experts. Graft to the extent of about $70,000, secured through the sale and purchase of hogs, is charged.—*Waukegan, Illinois.* The county treasurer was removed from office under suspicion of embezzling public money. —*Wellington, Kansas.* The mayor was accused of soliciting a rake-off of three per cent in the award of a contract in the water department. —*Zion City, Illinois.* Four aldermen, all members of the Independent party, were found guilty of forging ballots to increase their chances of election. All four have been discharged from the council.

SHORT ARTICLES

THE LATEST PRACTICE OF TOWN PLANNING IN THE UNITED STATES[1]

AMERICAN city planning seems, clearly, to be getting away from the draughting board. Or, rather, the draughting room is no longer its central office. The planner of towns must often have recourse to his draughting table, of course, however many hours he spends at his desk, in his library, or on the streets; but there was a time—not so long ago—when a city plan, as understood in America, was a thing of star-points that sang together in unison, as a firmament showing his handiwork; of French curves; of quadrigas, pylons, and fountains; of temples and palaces, suggesting dreams of a prix-de-Rome.

To-day, if one may judge by the published plans of the last eighteen or twenty months, city planning is not a showy affair, but a sober one. It requires thoughtful discussion, not wonderful pictures; it has more to do with laws and ordinances than with architectural compositions, and the manner of presentation is not as important as the matter. In short, not fine books, but better cities and towns is the goal. There is more consulting of responsible officials; and the whole thing is coming down to earth out of the roseate clouds—a new Jerusalem, one might say, "coming down out of heaven," if one were not afraid of getting biblical references too close together.

The American city plan reports published in the last few months, are for the following communities: Portland, Oregon; Houston, Texas; Dover, New Jersey; Raleigh, North Carolina; Newport, Rhode Island; Erie, Pennsylvania; Newark, New Jersey; Alton, Illinois; and Walpole, Massachusetts. In addition, partial reports—*i.e.* reports on special phases or aspects of a city plan—have been published for New Haven and New London, Connecticut, for St. Louis, Missouri, for Council Bluffs, Iowa, and for Jersey City, New Jersey. The two groups make a formidable list, but there probably can be no more accurate way of studying "the latest practice of town planning in the United States" than by a study of these latest reports.

To one who knows the physical, social, and commercial geography of America, the list is significant. It includes a city located on each coast, thousands of miles apart though they are. But there is more than a linear distance between old New London and new Houston, Texas; between populous Newark and little Dover; between gay Newport and industrial Alton; between commercial Portland and academic New Haven; or between placid Raleigh and Council Bluffs, upon whose steam rail-

[1] Paper read at the town planning conference held in Cheltenham, England, June 22–27, 1914, under the auspices of the Institute of municipal and county engineers.

roads there is a "freight train every eleven minutes, and passenger every eight." These differences are at least as striking as that due merely to the miles that remove the west coast from the east.

One can only think, in running over such a list of cities, and adding its evidence to the testimony of a list similarly made up eighteen months ago,[2] that all kinds of cities and towns, in all parts of the United States, have taken up town planning. And this judgment is correct. Clearly, then, with such variety of subject and of need, to look for any considerable uniformity in the practice of American town planning, would be to anticipate little adjustment between the want and its satisfaction.

There are other reasons for differences rather than for likenesses in these reports. They have been made by a half dozen different men, and they have been made to as many different organizations or parts of the city administration. The latter circumstance affects the manner of presentation and the emphasis hardly less than does the personnel of the planners. Though one were reporting the results of his study of a single town, one would not prepare the same report for the mayor and council as he would for a woman's club, for the board of trade as he would for the park commission, for a city plan commission as he would for an improvement society. In observing characteristics of the different reports, one should bear that fact in mind. It is notable, however, that more and more of the reports are made to official bodies.

The directness of its popular appeal gives to the American town planning report a human and vital quality which is far from the brevity or perfunctoriness of official records. Something out of the heart and life of its writer went, it may be supposed, into every one of the reports before us. If, in such work, there is an element of propagandism, the stimulating explanation is its recognition that it addresses an essential democracy.

That with this quality still strong, there could be a discarding of alluring "picture-plans" in favor of more practical and serious discussion, is witness to the town planning education of the masses and to a widened acceptance of town planning principles. The result is due in large measure to this very method of "reasoning together," which is the striking characteristic of an American city plan report. The American's town planning education has come from such reports—not, appreciably, from periodicals, books or lectures—and the studies still show no tendency to become only the maps of an expert, unintelligible in a popular sense because of technical excellence. At first the work of the poet and painter, almost of the evangelist, the reports are yet those of the pleader and advocate, not of the engineer. Text is not to elucidate maps and plans, but they exist to illustrate the text—a distinction of vast importance. To see maps and plans in an exhibition has never been to see a real town plan as that term is understood in the United States. Formerly,

[2] See National Municipal Review, Vol. II, page 160.

however, the citizen was supposed to acquire inspiration and enthusiasm from the plans, because it was supposed he would not have patience to read. Now he *is* expected to read, and to turn to the plans for illustrations.

With this said in introduction and explanation, the separate reports can be briefly characterized. Then certain common features will be noted, to indicate more fully the drift of the recommendations.

The largest city covered in recent reports is Newark, New Jersey, of which the population at the last census was 350,000. Two city planning studies have been published.[3] The first is by Charles F. Puff, Jr., who at the time was "city planning engineer" of the department of public works. It is issued by that department. The other, which appeared several months later, is from the municipality's official city plan commission and contains the report of George B. Ford and E. P. Goodrich, the experts retained by it. Both studies are attractively published; the latter in stiff cover with many plans, the former on larger paper with many photographs as well as plans. Necessarily, both reports consider the same subjects—streets, railroads and harbors, street car transportation, and recreation. In addition, the experts of the city plan commission devote considerable attention to the question of a public market.

In Mr. Puff's report, a striking statement is that he has placed a higher value upon "personal observation and survey than upon statistics," as in his judgment the plan "should not only *provide for* but *direct* traffic." "A great mass of statistics," he adds, "is intensely interesting and enlightening, but gathered under present conditions, for instance, they would be of no practical value whatever, should an avenue like the proposed Central avenue extension be opened." This is an interesting statement in itself, and for the light it throws on the spirit of the report. While appreciating that the protest has some force, one must object to putting quite so slight a value on statistics. In the very case mentioned, they are essential to determine, first, whether such an extension is necessary, and, secondly, if it is, what its traffic capacity should be. Yet on the whole there is much in the report which is wise in theory, stimulating and suggestive.

The report of Messrs. Goodrich and Ford does not err on the side of undervaluation of statistics. Their traffic counts, for example, are probably the most elaborate and costly that have been ever made in the United States as precedent to a town plan study. There are other features which give a character of its own to the city plan commission report; and this, it may be added, has rather superseded the earlier one. Mr.

[3] The City Plan of Newark, N. J. Report on the Comprehensive Planning of the Metropolitan District of Greater Newark submitted to Morris R. Sherrerd, Chief Engineer, Department of Public Works, by Charles Frederick Puff, Jr. July, 1912.

City Planning for Newark. The City Plan Commission. Newark, New Jersey, December 31, 1913.

Puff has resigned his position and the department of public works is in coöperation with the commission.

When it is said that the entire report makes a volume of nearly two hundred pages, there will be appreciation of the fact that especially good points are an elaborate table of contents, an index very notable for its completeness, and a two page "summary." These greatly enhance the usefulness of the study. There is a good introductory chapter—not a portion of the experts' report—on Newark's advantages. One cannot miss the significance of its inclusion. Then comes the report proper. The first three chapters are devoted to streets. Series of plans and maps show the suggested changes, which the text describes. Here alone, among recent American reports, there has been no attempt to give continuity in a literary sense to the recommendations of these chapters. This method of presentation, while not pleasant, might be effective if the comments were sufficiently terse. The text, however, instead of reading as if a business man or engineer were describing the merits of the proposed changes, is suggestive in parts of a Sunday school superintendent addressing children. But the ideas appear to be good. The chapter on harbor development is exceptionally fine; there is also a valuable review of the commission's work and a most interesting collection of statistical data on the street railroad situation. Unfortunately the long special report, of which these latter statistics formed the basis, has not been printed. The report, as a whole, gives, to an unusual degree, the desirable impression that a plan is a living, growing thing.

Next after Newark, in point of size, comes Portland, Oregon, among the American cities for which plan reports have been lately published. The report[4] is made by Edward H. Bennett, whose long association with the late Daniel H. Burnham has stamped his work with the largeness of vision and daring imagination that were the special characteristics of the Burnham city plans. In fact, on the first page of his "Greater Portland plan," Mr. Bennett quotes these words from his master: "Make no little plans; they have no magic to stir men's blood. . . . Make big plans, aim high in hope and work, remembering that a noble, logical diagram, once recorded, will never die."

Mr. Bennett, who more than once has proved his ability to live up to this injunction, does not fail when handling so inspiring a subject as Portland. We have only his preliminary report, but a foreword states that it sets forth "his main ideas," and largely in his own phraseology. Moreover, the report is copiously illustrated with his maps and diagrams, as well as with photographs. It is, however, presented with less dignity of form, as a publication, than any of the other recent city plan reports.

[4] The Greater Portland Plan of Edward H. Bennett. Edited by Marshall N. Dana. Portland, Ore., October, 1912.

Yet it was published by the official city plan committee on an appropriation from the common council.

Portland's plan anticipates the time when the present city of a quarter million will have a population eight times as large and when its present area of fifty-four square miles will have been increased to 150 square miles. Necessarily, great traffic arteries, the development of diagonal streets, the creation of boulevards, and a project for the extension of the business center are primary considerations of the plan. It contemplates an increase in park acreage, from the 650 acres now possessed, to reservations—partly forest—that would total nearly eight thousand acres. The grouping of the public buildings in an imposing civic center, a larger commercial use of the river, and an extension of the steam railroad facilities for both freight and passenger service are other features of this "big" plan. For all the relative insignificance of its small paper-bound publication, it is probably the most far-seeing—perhaps this is another way of saying the most visionary—of all the later city plan reports. It is most like the earlier type of plan. But it was made for a western city which is rich and has grown rapidly, and it was made for an official commission. There should be recollection, also, that Portland's nearest rival, Seattle, brought out exceedingly elaborate plans a couple of years ago. It is likely, therefore, that the commonplace and easily attainable would not have been locally acceptable.

In size, the cities that come next upon the list are Houston, Texas, and Erie, Pennsylvania, with populations at the last census of seventy-eight and sixty-six thousand respectively. Except in size, these cities have little similarity, and their reports, made by different men, are totally unlike. That for Houston[5] is by Arthur C. Comey. It is attractively issued in book form, with stiff covers; and in common with all the other reports is fully illustrated. Mr. Comey spent several months in Houston in its preparation, and its special characteristics are its thorough comparative survey, physical, social and financial, and its discussion of desirable legislation. The latter includes, for instance, a consideration of the limitation of building heights that placed this report in a class almost by itself, until the recent issue of the very elaborate report of the New York City Commission on this subject.

Yet the report is modestly described as a "tentative plan." It is addressed to the park commission, and Mr. Comey by profession is a landscape architect, but it cannot be said that he has put a disproportionate emphasis on this phase of the subject. In fact, the outline which he presents in his opening chapter, of the topics to be considered by a city plan, is a very interesting and just analysis, in which parks are given no more than their rightful place. Mr. Comey's report is notable also for its

[5] Houston: Tentative Plans for its Development. Report to the Houston Park Commission by Arthur Coleman Comey. 1913.

attempt to indicate the relative urgency of the various projects that are suggested and for its clear statement of the steps of procedure which he considers to be locally desirable.

"Greater Erie," [6] as the Erie report is called, is a most elaborate and ambitious publication. There is nothing modest about its presentation. The city planning portion of it is by Dr. John Nolen, and this is supplemented by chapters on transportation facilities by E. P. Goodrich and F. Van Z. Lane, on the development of commerce by Henry C. Long, on legal matters by a local committee, and by several appendices whcih contain the history of Erie and many pertinent facts as to the city's present development. The whole report, with its pictures, elaborately printed quotations, etc., bulks larger than any other three or four of the recent reports put together. This is largely due, it should be stated, to the energy and enthusiasm of the city planning committee of the Erie chamber of commerce and board of trade, to whom the report was addressed, and by whom it was financed at a cost of something more than $5000. This energy and enthusiasm has at once resulted in the appointment of an official commission, under such leadership that Doctor Nolen is hopeful that much which the report suggests will be promptly realized.

The arrangement of the Erie material, under five heads—streets, railroads, water-front, buildings, and open spaces—is such that in each case a brief statement of existing conditions is followed by a statement of general recommendations and these in fuller detail by specific recommendations. As this method lends itself to matter-of-fact and uninspiring statements, there has been an attempt to provide an emotional appeal by a sprinkling of conspicuously-placed quotations—not always relevant to the adjacent text—and by striking pictures. The result is pretty good at first glance, but clearly Erie was not of itself an inspiring subject. Doctor Nolen handles it, however, with his customary conscientiousness, and there should be special mention of the chapter by Messrs. Goodrich and Lane on street transportation facilities. This is a very concrete and practical discussion, closing with an outline that might be taken as a model for the complete examination of the transportation system of any city.

Newport is hardly to be judged as other towns. As a fashionable resort, where some of the richest people of America have built themselves palatial summer homes, and so have raised land values to a height unequalled in other cities of its size, no one much cares that its winter census is less than half that of Erie. Newport's needs and Newport's

[6] Greater Erie: Plans and Reports for the Extension and Improvement of the City. Prepared for the City Planning Committee of The Chamber of Commerce and The Board of Trade of Erie, Pennsylvania. John Nolen, City Planner; E. P. Goodrich, Consulting Engineer; Henry C. Long, Commercial Development; F. Van Z. Lane, Traffic Expert. 1913–14.

ability in city planning are not to be gauged by the population figures. It is, then, no surprise to find that the report on "Proposed Improvements for Newport," [7] was prepared by Frederick Law Olmsted, chairman of the national city planning conference and widely known as a high priced designer of beautiful estates, and that it has been published in the most sumptuous dress of all the recent reports—if allowance be made for comparative brevity of text.

Newport, however, has something more interesting, because more fundamental, than fashion and wealth, to a degree which is possessed by few other American towns. This is picturesqueness. It is one of the oldest of American cities, and to the attractiveness of its air and natural scenery is to be added this unusual charm of picturesqueness, as a heritage from days when streets were narrow and neither regular nor straight, when houses were substantial rather than pretentious, and when gardens, screened by fence or wall, could express the individuality of those who loved them and used them. Mr. Olmsted was quick to perceive this, and keen in his analysis that a secret of Newport's charm was that "its scale is small and intimate." He recognizes that while, in most towns, convenience, ease of communication, increase of efficiency and sociological betterment are the principal desiderata, in Newport, prosperity mainly depends on the continued favor of fashion, and that to destroy the charm of the town by ironing out its picturesque quality, even when this involves some community inconvenience, would be "a pitiably wasteful folly." The task that is set him, therefore, is no easy one. To increase the capacity of little streets without robbing them of their charm, to widen highways and yet save brave old trees, to secure for the public some of that lovely natural scenery which wealth has so largely absorbed for its personal enjoyment, these are the special needs that give to the Newport problem a character of its own.

In coming to Raleigh and Alton—one a capital city and one an industrial town—there is more in common than a likeness of population. This the last census placed as only between eighteen and twenty thousand. Each town is greatly in need of those elementary, fundamental things whose presence may usually be taken for granted when an existing city authorizes a town plan. The reports [8] recognize this need and attempt to adjust themselves to it. *Landscape Architecture*, the quarterly organ of the American society of landscape architects, says of one of them:

Relating to the planning of the future city, Mr. Robinson discusses the financial preparedness of Raleigh to undertake this work, and offers

[7] Proposed Improvements for Newport: A report prepared for the Newport Improvement Association by Frederick Law Olmsted. 1913.

[8] A City Plan for Raleigh, being a Report to the Civic Department of the Woman's Club of Raleigh, N. C., by Charles Mulford Robinson. 1913.

The Advancement of Alton, Illinois: A General City Plan Study for the Board of Trade. Charles Mulford Robinson. January, 1914.

definite practical suggestions as to certain street changes, park additions, new playgrounds, park connections, and consideration of the suburbs which at some future time may become portions of the larger city. All the suggestions are matters of applied common sense, which look very simple and obvious when stated in a report, and which might hardly seem, without consideration, to be worth the employment of an expert to discover. But, as a matter of fact, if all these simple suggestions were carried out, which they readily could be with the means at hand, the effect on the beauty and prosperity of the city would be greater than could be secured, at least in the immediate future, by the adoption with much flourish of an elaborate plan on paper for future grandeur. A report of this kind is much like medical advice to a patient from a skilled practitioner, consisting in nothing more than recommendations to confine his diet to certain kinds of food. It sounds simple, it is easy to practice, but it is more effective than expensive medicine.

Much the same comment might apply to the study of Alton, made by the same man. It is interesting to note that in the one case the report was authorized by the woman's club and in the other by the board of trade, and that in both instances the reports, which are quite long, are published in an unpretentious, but an attractive and dignified form.

Dover and Walpole, with populations of seven and five thousand respectively, are little more than villages. The significant and encouraging feature is that such small towns had the enterprise to send for town planners—for the same men who, respectively, planned Houston and Erie—to advise them how best to prepare for the future. The Dover report[9] is a neat little pamphlet; the Walpole[10] has been published as yet in only a preliminary folder. The attractive development of the town center and the early setting apart of sufficient park and playground areas are the dominant common problems of these towns.

It is clear, as one goes through these latest town planning reports, that in the American practice there is a little of the stereotyped. For all the much criticized standardization of the earlier American street plans, the town planner, more on the lookout for differences than likenesses, finds each problem a new and fresh one, demanding original solution. Whatever there may be to fear in the town planning wave that to-day is sweeping the United States, the bogy of a loss of town individuality cannot yet justify an anxious thought.

Once this is duly recognized, it is interesting to note that the emphasis, which at first was on civic centers, and then on park systems, seems in these latest reports to be setting strongly toward concern for circulatory problems. The convenient handling of street traffic in main highway systems, and after that a more efficient development of railroad terminals,

[9] Town Planning for Dover, N. J. Report to the Mayor and Common Council by Arthur Coleman Comey. 1913.

[10] Walpole: Plan To-day for To-morrow. Folder containing plans of John Nolen, issued by the Town Planning Committee.

are subjects that each report takes up with earnestness. This is in response, no doubt, to the growing congestion of all kinds of traffic and especially to that expansion of street traffic which has come with the automobile. The modern town is confronted by new conditions in the street traffic's speeding up, its growth in volume and its increase in complexity. As to the emphasis of the future, if one may venture a guess from the signs that are given in these late reports, it is to be on industrial efficiency, on harbor improvement, and on housing.

Since each change of emphasis carries standards higher, so that thereafter there is no slipping back to the old neglect, the American town plan of the near future should be an exceedingly comprehensive and well-rounded study, in which civic centers, parks and recreative provision, traffic accommodation, transportation, industrial efficiency and better housing will each have due consideration. The only danger, if danger it may be called, is that the standard will be placed so high that no single town planner, and no single town plan, will venture to attempt so much. From this point of view, the coöperation of different experts (as instanced in the Newark and Erie plans), and the several partial reports of the last few months (that take up phases only of a town plan) are very likely significant.

There are several examples of the latter. E. P. Goodrich and George B. Ford present to the city plan commission of Jersey City an illustrated report, published in sixty pages of unbroken text, on simply "plan of procedure."[11] This is an outline only of the subjects of which, in their judgment, the plan commission should authorize a study, with suggestion of the direction that in each case the study ought to take. From New Haven come pamphlets on two different subjects, by two town planners. Mr. Olmsted's is a discussion of building lines in a single ward[12]—virtually a consideration of steps for street widening. It is notable that it is made to a joint committee of the civic federation and the chamber of commerce. The other,[13] by Frederick L. Ford, one of the few well-known American students of city planning who is a city engineer, discusses the improvement of the harbor front and an approach to the new railroad station which the city was hoping to secure. It is as considerable in bulk as some of the so-called city plan reports, and is made to the mayor and a

[11] Report of Suggested Plan of Procedure for City Plan Commission, City of Jersey City, New Jersey, by E. P. Goodrich, Geo. B. Ford. May 1, 1913.

[12] Building Lines in the First Ward of New Haven. Report of Frederick Law Olmsted. Issued by Joint Committee of the Civic Federation and the Chamber of Commerce on Streets and Building Lines. 1913.

[13] Report on Railroad Station Approach and Harbor Front Improvements. Made to Hon. Frank J. Rice, Mayor of the City of New Haven and to Mr. Amos F. Barnes, Chairman Aldermanic Approach Committee, by Frederick L. Ford. September, 1912.

committee of aldermen. From St. Louis comes a most interesting description of a central traffic-parkway, designed to pass the public buildings and the union railroad station and to facilitate traffic intercourse between the business and residence parts of town, the while it redeems a blighted district. This report, which is handsomely issued, bears the imprint of the city's official plan commission.[14] The reports which are issued from New London[15] and Council Bluffs[16] outline park systems. They were made by town planners at the request of the park commissions.

In closing, a third type of city planning publication demands recognition, for the light it may throw on recent American practice. This is the annual report of official plan commissions such as those of Hartford and of Pittsburgh. There are few of these yet, and of the few, first reports are only beginning to appear. But they are destined to become a growingly important branch of American town planning literature, and doubtless we shall soon be turning to them for the most accurate record of actual town planning progress in the United States. From that point of view, the report from Pittsburgh,[17] taking up briefly but clearly the status of the various projects that are being locally considered or developed, is a model in arrangement. When many cities and towns are annually issuing such reports, upon a like official authority, town planning will have graduated into town building.

Charles Mulford Robinson.

Rochester, N. Y.

PITTSBURGH'S HUMP

SINCE the days of the early history of Pittsburgh in the middle of the seventeenth century, the eminence known as Grants hill, now more often referred to as the "hump," has proved a barrier to both traffic and the extension of the business district. The name Grants hill was given this elevation on account of it being the site of the battle between the English under command of Colonel James Grant and the French and Indians on the morning of September 14, 1785. It was on this occasion that history first records the fact that this hill

[14] St. Louis Central Traffic-Parkway Recommended by The City Plan Commission. July, 1912.

[15] General Plan of a Park and Playground System for New London, Conn., by John Nolen. 1913.

[16] Report on a Park System for Council Bluffs, Ia. Made to the Board of Park Commissioners by Charles Mulford Robinson. 1913.

[17] Annual Report of the Department of City Planning, Pittsburgh, Pa., for the fiscal year ending January 31, 1913.

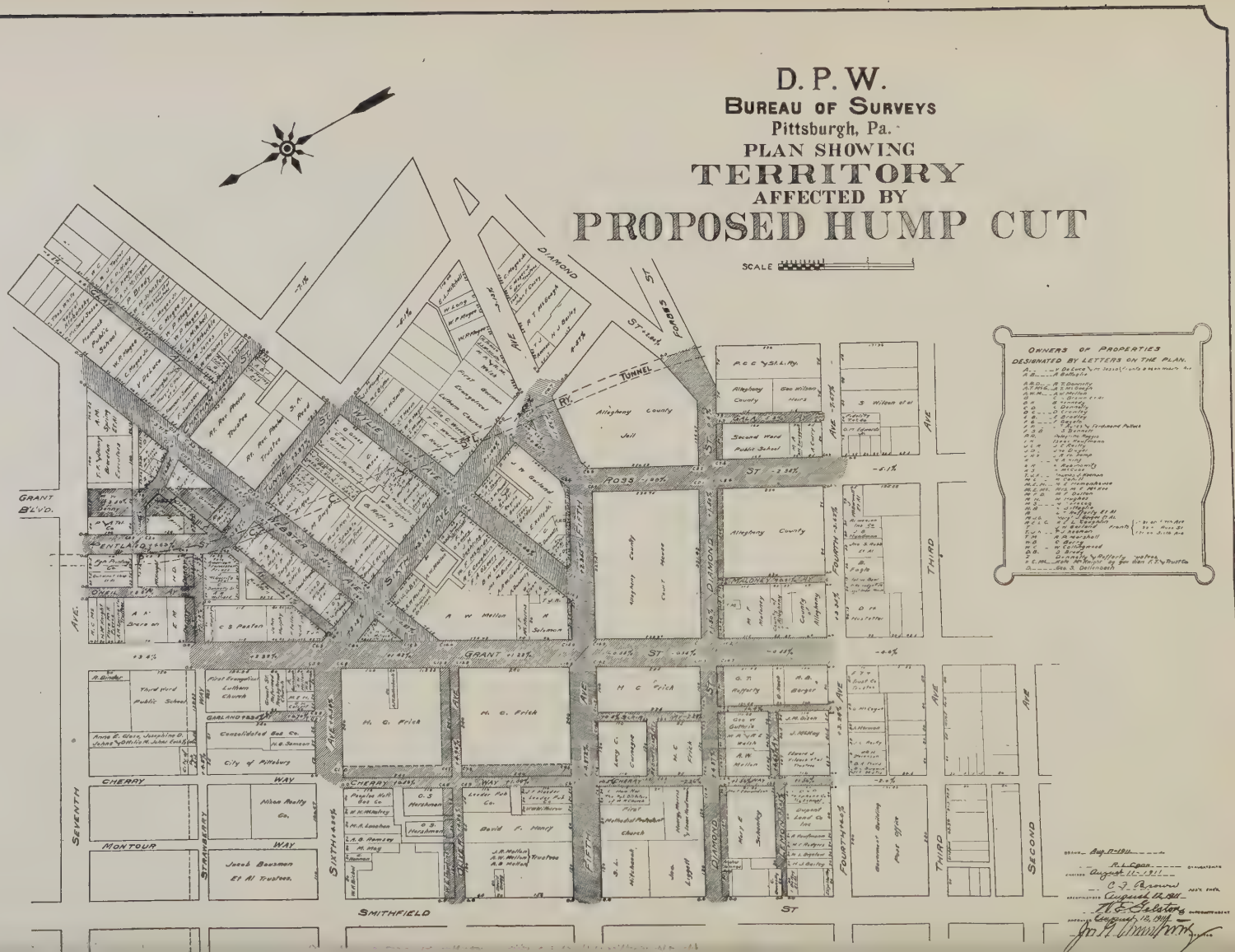

FIGURE 1 SHOWING GENERAL PLAN OF HUMP CUT

proved an obstruction to traffic. The hill then covered with underbrush and briars and gashed with ravines and gulleys proved a decided barrier to the routed English.

In "The Town of Pittsburgh," laid out by George Woods, surveyor, by order of Tench Francis, Esq., attorney for John Penn, Junior, and John Penn in 1784, Grants hill formed the eastern boundary, the town being in the form of a triangle with the Allegheny and the Monongahela rivers for the other sides.

The elevation of Grant street at this time is unknown, but the block between Fifth avenue and Diamond alley was sufficiently high to be chosen as the site for a distributing reservoir, the elevation of the basin being recorded as 116 feet above the Allegheny river, which is practically the zero of the present city datum. This basin was used until about 1844 when it was replaced by a new one erected on the top of Stone Quarry hill.

Soon after the incorporation of Pittsburgh, the "hump" began to receive notice as an obstruction to traffic with the surrounding territory and as early as 1836, councils passed an ordinance re-establishing the grade of Grant street and Fifth avenue. This ordinance, fixing the new grade at the intersection of these streets, stated that the elevation "shall be reduced ten feet below the present surface and the permanent grade thereof shall be fixed at ten feet below the top of the middle front door sill of Saint Paul's Church." The same ordinance provided for the raising of the intersection of Fifth avenue and Smithfield street four feet. The maximum gradient of Fifth avenue over the hump was therefore reduced about two and eight tenths per cent.

It is difficult to give the exact date when this cut was made, but that the work was started soon after the enactment of the ordinance fixing the grade is generally accepted.

With the rapid growth and expansion of the city and the resulting increase of traffic to and from the "point," the reduced grades were still found to be a drawback to the section of the city immediately beyond Grants hill. We therefore find that in November, 1847, councils provided for the removing a second slice from the hump. This time the ordinance re-establishing the grade of Fifth avenue provided "that Fifth street shall have an ascending grade from a point opposite the line between lots 381 and 382 to two feet above the upper curb of Smithfield street, at its present grade, and that Fifth avenue shall rise from the grade of Smithfield street to Grant street seven feet below the present grade thereof."

As the years passed and Pittsburgh continued to expand and develop until she became the leading iron center of the country, it was realized that still more of the hump must come off. The economical depth of

cut to be made and the means of financing the proposition were discussed from time to time. It was, however, not until more than sixty years after the second slice had been removed that the administration and council decided the work of reducing the grades over this barrier for the third time must be done. In November, 1911, a councilmanic bond issue was voted and likewise the necessary grade and improvement ordinances passed.

The contract was awarded April 5, 1912, to Booth & Flinn calling for the completion of the improvement prior to January 1, 1914, the estimated cost for regrading, recurbing, repaving and relaying the sewers and water lines being $690,000.

In addition to the regrading of the streets within the hump district, it became apparent that, with the present congested conditions of the thoroughfares in this district, the improvement would be minimized to a large degree if Grant boulevard was not extended to a connection with the more centralized street system and several other streets and alleys widened to care for the rapidly increasing traffic.

It was consequently decided that, although the expense would be almost unparalleled, several of the more essential changes in the plan of streets of the district should be made simultaneous with this third lowering of the hump. The proposition, therefore, assumed greater magnitude with the authorization for the changes in the widths of six centrally located streets and as a whole was probably one of the most extensive and costly municipal improvements, of like nature, ever undertaken in an old built-up city district in this country.

It must be remembered that all of the blocks affected by the change contained buildings that had to be remodeled at an enormous expense to the owners or removed to make room for the larger and more modern structures that will be erected.

In view of the fact that the property holders are now assured that the grades of the streets are definitely fixed for another half century or more, and with the former objection to the use of this section for an extension to the principal retail district, to which it is contiguous, removed, it is estimated that more than $20,000,000 will be spent for new buildings within the next few years. As a matter of fact, at this date, plans are under way for new buildings in excess of $7,000,000.

Figure 1 is a map of the affected territory, showing the street extension and widening, the depth of cuts at the various intersections and the new gradients. For the extension of Grant boulevard, the widening of Fifth avenue, Oliver avenue, Diamond street, Strawberry way and Cherry way some of the most valuable properties in the city were appropriated. The entire improvement was completed about the middle of December, substantially as shown, with the exception of the widening of Diamond

street between Smithfield street and Grant street, which was deferred until some future date.

Table 1 shows a comparison of the old and new grades on the main avenues and streets and Table 2 shows the cost to the city and the abutting property holders for the widening of the thoroughfares named, as fixed by the board of county viewers, together with the estimated cost of the various items included in the general improvement.

TABLE 1

SHOWING THE OLD AND NEW RATES OF GRADES ON THE MAIN STREETS AND AVENUES

STREET	FROM	TO	OLD RATE	NEW RATE
Fifth avenue	Smithfield St.	Grant St.	7.6	4.872
	Grant St.	Wylie Ave.	3.5	2.355
	Wylie Ave.	Ross St.	1.7	2.355
	Ross St.	Sixth Ave.	5.0	1.56
Diamond street	Smithfield St.	Grant St.	7.0	4.87
	Grant St.	Ross St.	2.6	1.50
	Ross St.	Forbes St.	4.3	0.6
Oliver avenue	Smithfield St.	Grant St.	7.7	4.96
Sixth avenue	Cherry Way	Grant St.	6.7	4.54
	Grant St.	Wylie Ave.	5.0	3.18
	Wylie Ave.	Fifth Ave.	2.5	1.00
Grant street	Fourth Ave.	Diamond St.	4.8	0.55
	Diamond St.	Fifth Ave.	2.3	0.55
	Fifth Ave.	Oliver Ave.	2.0	1.22
	Oliver Ave.	Sixth Ave.	4.2	1.42
	Sixth Ave.	Strawberry Way	4.2	2.29
Webster avenue	Grant St.	Sixth Ave.	5.0	0.87
	Sixth Ave.	Tunnel St.	5.0	3.5
	Tunnel St.	Seventh Ave.	2.5	3.71
Strawberry Way	Grant St.	Pentland St.	11.6	7.13

TABLE 2

SHOWING COST TO CITY OF VARIOUS IMPROVEMENTS IN CONNECTION WITH "HUMP CUT"

NAME	FROM	TO	BENEFITS ASSESSED AGAINST PROPERTY OWNERS	DAMAGES ASSESSED AGAINST CITY
Grand Blvd. extension	Seventh Ave.	Webster Ave.	$30,084.00	$289,481.77
Cherry Way, widening	Fifth Ave.	Sixth Ave.	299,951.60	271,048.40
Fifth Ave., widening	Grant St.	Ross St.	43,884.00	213,232.16
Oliver Ave., widening	Smithfield St.	Grant St.	492,425.00	44,797.00
Strawberry Way, widening	Grant St.	Pentland St.	42,657.00	84,417.00
Awards for damages account change in grade alone for properties on which damage waivers were not obtained (estimated)				341,215.00
Expense account adjustment of buildings for which damages were waived by property holders (estimated)			1,000,000.00	
Expense of public service corporation in lowering conduits, relaying railway tracks, etc. (estimated)			500,000.00	
Physical work, regrading, repaving, recurbing, relaying sewer, etc. (final estimate)				732,019.16
Relaying water main				54,000.00
			$2,409,001.60	$2,030,210.49

Estimated cost of two former Hump Cuts, $100,000.00.

With the completion of the project many criticisms as well as words of commendation have been heard regarding the improvement in general. Those having the plans in charge never felt that the ideal condition had even been approached, but they were assured that the results were the best that could be accomplished under the existing conditions. In any municipal improvement of this nature, the nearest approach to a perfect plan that can be considered attainable is always a compromise between the ideal plan and the limit to which the abutting property holders, taken as a unit, can be induced to go, after being convinced that their holdings will be benefited to the extent of the damage, measured by the value of the property before and after the change is made.

In the reduction of the hump, involving an area of approximately thirty-five acres owned by over 180 holders, it is evident that many concessions must be made in order to secure release from all damage due to the change of grade of nearly seventy-five per cent of the area affected. With the completion of the third and greatest hump cut, barring some slight changes that might have been advantageous at different points, it is generally agreed that the improvement was well

planned and admirably executed. The unsettled conditions existing in this section for more than a score of years is now thoroughly established and with the grades of the streets reduced and fixed, the way is clear for the early completion of the great building projects that have been so long delayed.

The preparation of all plans as well as the supervision of the contract work was done by the department of Public Works, under the direction of Joseph G. Armstrong, director, now mayor of the city.

The alterations consequent upon the cutting of the hump for such large buildings as the Allegheny County court house and jail, the Frick and Carnegie office buildings and the Kaufmann stores and other large buildings, have been completed. But the repaved streets enclose other squares, which are still covered with old and worthless buildings, that have remained undisturbed for years, in anticipation of this improvement. They now look as though a conflagration had swept over them. We are therefore left to the imagination only for the far-reaching results, which must follow the completion of this great municipal undertaking. But there are signs, which indicate the magnitude of the reconstruction, which is already begun.

The preliminaries having been settled between the municipal authorities and the county commissioners, the architect has planned for a joint structure to include a new city hall and a new county building or annex, on Fourth avenue, Grant and Diamond streets, which together will cost approximately $2,500,000 for the buildings, not including the cost of site, furnishing, or fixtures. These buildings with Henry H. Richardson's masterpiece, the county court house and jail, will form a prominent part of the western side of a great civic center in the hump district.

The William Pitt theatre, which is to be built forthwith at the corner of Oliver avenue and Cherry way at a cost of $250,000, will also be on the western side of the hump district.

The latest building project in this district is that of the William Penn hotel, to be built by the Fort Pitt Hotel Company on a site purchased from H. C. Frick, 130 by 216 feet, bounded by Sixth avenue, Oliver avenue and Cherry way. The site cost $1,684,800, or $60 per square foot. The hotel building, which will be modern in every particular, will contain 900 rooms and will cost from $2,000,000 to $2,500,000; with an additional $750,000 for furnishing and equipment will make a total cost of about $5,000,000.

These large building projects are precursors of what must soon follow in vindication of the farsightedness, courage and indomitable energy, which carried this formidable undertaking to completion.

U. N. Arthur.[1]

[1] Principal Assistant Engineer, Bureau of Engineering, Department of Public Works, Pittsburgh.

THE MUNICIPAL RAILWAYS OF SAN FRANCISCO[1]

SAN FRANCISCO'S municipal railway system has been in operation since December 28, 1912, when the Geary street road was opened from Kearny street to Thirty-third avenue and the Park. Since that time it has considerably extended its operations. On June 24, 1913, the Geary street road was opened from Kearny street to the Embarcadero on the east, and from Thirty-third avenue to the ocean beach on the west, making a road a little over seven and one-half miles of double track. On August 26, 1913, the people voted to authorize a bond issue of $3,500,000 for railroad extensions. On December 11, 1913, the municipal railway added three and nine-tenths miles of road by the purchase of the tracks, cars and equipment of the Presidio and Ferries Railroad, usually known as the Union street road, on the expiration of its franchise. On April 6, 1914, ground was broken for the construction of a line on Van Ness avenue from Market street to Fort Mason and the grounds of the Panama Pacific International Exposition, which will add three and seven hundredths miles of road by September 1. The contract for laying the extension of this line across Market street and over Eleventh street and Potrero avenue to Twenty-fifth street, two and two-tenths miles, was awarded in the month of May. The contract for the road from Stockton and Market streets to the exposition grounds will be awarded a little later, as will that for a tributary line in the western district from Geary street and Second avenue out California street to Thirty-third avenue. With the construction of these roads the city will have two main lines running east and west, connected by two cross-town lines with a total length of about eighteen and seven-tenths miles. In addition, money has been voted for a line to run from Van Ness avenue and Market streets west to Church street and out Church to Twenty-ninth street, two and forty-five hundredths miles, but the objection of the Church street property owners to paying for the changes of street grades necessary to the road will probably postpone construction of this line for a long time.

The accounts of the operation of the Geary street road from its opening on December 28, 1912, to December 31, 1913, have recently been published and show a fair degree of success for municipal operation. The summary of the figures is as follows:

Operating revenues	$444,747.73
Operating expenses	291,431.36

[1] See NATIONAL MUNICIPAL REVIEW, Vol. 1, page 724; Vol. III, page 382.

Net operating revenue		$153,316.37
Add miscellaneous income		1,328.64
Deduct taxes	$35,454.00	$154,654.01
Interest on funded debt	73,886.54	
		109,340.54
Net profit		$45,304.47

The taxes include the following items:

Taxes (comparison charges required by charter)	
Municipal franchise, 3% on pass. revenue	$13,331.79
Municipal car license	547.50
State franchise, 4¾% on gross revenue	21,125.51
Federal income, 1% on net income	449.20
Total taxes	$35,454.00

The operating expenses include, besides the cost of wages, salaries and materials, an allowance of $80,054.50 for depreciation and accidents (based on a standard allowance of fourteen per cent of gross revenue for depreciation and four per cent for accidents), and a charge of $4,587.33 for services rendered by other city departments.

As the repayment of the debt does not begin until 1915 no allowance is made for sinking fund. The bonds issued are serials, and $101,000 will fall due each year from 1915 to 1934. The question whether the net profit will meet the sinking fund requirements is very naturally raised, and there seems no doubt that it will be sufficient unless the pressure to put more men on the road than are required for economical operation becomes too strong, or wages are advanced or forces reduced.

The net operating revenue for the first six months of operation with a partially constructed road (December 28, 1912, to June 30, 1913) was only $37,879.55. For the second six months it was $17,494.90 in January, grew to $52,219.86 in December, and still further advanced to $58,969.50 in March 1914. The net operating revenue will probably reach $250,000 for the present year instead of the $153,316.37 yielded in 1913.

Curiously enough the municipal statement attempts to show a net profit from the road of $85,345.80 by adding to the true net profit of $45,304.47 the items of taxes and cost of services rendered by other departments. As these items are set aside as a replacement of loss to the public treasury through deprivation of revenue by public ownership, or expenses incurred on behalf of the road and paid for by funds charged to other departments, it is rather strange that they should be put forward as profits to the public through public ownership. In a sense, the amount that would be paid to the state and federal government

in taxes may be regarded as a profit to the city, though even this is a doubtful item.

The Union street line is proving a better money maker than the Geary street line. It is about half the length, costs only $312,000, or about one-sixth the cost of the Geary street line, and took in $29,715.10, or $958.55 a day, during March, against a daily average of $1,902.24 for the Geary street line.

The service on Geary street has been much improved by the city's line, and this has had an effect of stimulating similar improvements on the parallel lines of the United railroads. The municipal service has not, however, had any noticeable effect in eliminating the "straphangers." It remains true on public as on private roads that the standing passengers pay the profits. The employees, however, are polite and accommodating, and there is an evident effort in the management of the road to suit the public convenience. The men appear well content, receiving a wage of $3 a day for eight hours of work, and except for the extra men hired on the "rush hour" runs, most of them complete their eight hours of work in a total of ten hours. (The rate paid on the private roads is from twenty-five to thirty cents an hour depending on length of service.) The men are selected by civil service examinations and hold during good behavior. They may, however, be dismissed without trial.

Altogether the people of San Francisco are well pleased, thus far, with their experiment in municipal ownership of street railroads. It has not proved the gold mine that some of its over-enthusiastic promoters promised. But it has improved service, bettered the condition of the working force, paid its way, and given promise of securing the extensions that could not be secured under the regulations imposed on private ownership.

E. A. Walcott. [2]

THE GOETHALS POLICE BILLS

PRO

UNDER the New York city charter a policeman is entitled to a trial upon written charges before he may be disciplined or discharged. He has the further privilege of having the action of the police commissioner reviewed by the courts. On a writ of *certiorari* he may have the paper record of his trial at police headquarters reviewed by a judge of the supreme court, and he may carry such review to the highest court in the state. The court does not hear nor see any witnesses and no new testimony may be introduced; but the action of the police commissioner may be reversed on such review.

[1]Executive Secretary, Commonwealth Club of California.

Mayor Mitchel's police bills constitute the first real challenge which court review has received. But the subject is by no means new to New York City. General Bingham, Judge McAdoo, and District Attorney Cropsey each left the police commissionership convinced of the evils of court review. Ex-mayors Low and McClellan also reached the same conclusion. On the other hand the aldermanic police investigation of 1912–13 reported in favor of its retention, and the citizens' committee, while in grave doubt, made no recommendation for its abolition. And even though the abolition of court review was favored this winter by the City Club, the Citizens' Union, the Chamber of Commerce, the Merchants' Association, and other powerful organizations, it is probably true that a solid consensus of opinion has not yet been established in favor of such abolition.

There is still existing a considerable and honest belief that court review is a protection to the honest policeman against bad commissioners on the one hand, and on the other, against law-breakers and politicians who seek to secure the dismissal of good men from the force.

If this belief were justified by the facts, it would constitute an ample public reason for continuing court review; but I am personally thoroughly convinced that the facts lead to a very different conclusion.

The assumption that court review constitutes a protection to the honest policemen against a dishonest police administration is pure assumption and nothing else. Court review was in existence all through the Devery régime. It was Devery's custom to hear at least the more important cases, and even when perpetrating the grossest injustice he would defy the policemen to secure redress through court review. Any commissioner who is dishonest and who has made up his mind to get rid of any particular man can and will so frame his case that there will be no legal flaws in the record which goes to the court. Perjury on paper can be in as good legal form as the truth.

Similarly, perjury on the part of the law-breakers or politicians, if not detected during the trial at police headquarters, will not be upset by court review. Again, court review is quite expensive. The ordinary honest policeman will find it difficult to finance such a proceeding. The large majority of appeals are carried up by inspectors, captains and other officers, not by patrolmen.

Hence court review has been the most important refuge of the corrupt and unfit officers of the New York police force. The testimony on this point is almost unanimous, except for General Greene, who was commissioner under Mayor Low. In a letter to the *New York Times*, dated January 28, 1914, General Greene contended that the present law is sufficient and that he operated satisfactorily under it.

Those familiar with New York's development will immediately recognize that General Greene was one of our very good police commissioners.

Fortunately, however, his contention can be disproved by the records of his own administration. The City Club worked with him steadily during his term of office and in October, 1903, published a report on the condition of the department. On page 63 of that report there occurs the following paragraph:

> The dismissals made by Commissioner Greene have included some of the worst officers in the department. *There are still men in the force who have bad reputations and who are known to have been grafters; but they have managed to cover their past operations so well that it has not been possible to secure legal proof against them.*

The paragraph then goes on to give special credit for the dismissals of Inspectors Grant and Cross, Captains Gannon and Stephenson, and Sergeant Shiels. Of these all but one were reinstated by the courts as follows:

Inspector Grant in April, 1904.
Inspector Cross in November, 1904.
Captain Stephenson in March, 1904.
Sergeant Shiels in August, 1904.

The charge in each case was of a serious nature, namely, the failure to suppress disorderly houses. In the case of *People ex rel. Cross* v. *Greene*[1] the court summed up by saying that proof of neglect was not such as would warrant a jury in finding Inspector Cross guilty and they ordered his reinstatement!

Court review thus has established the principle, not that officers of the New York police department should be above suspicion, but that they shall be retained on the force until they become convicted criminals; and that they cannot be separated from the force except by substantially the same proof that would be required to convict them of a crime.

It is not my intention to indulge in a criticism of American criminal law. There is ample basis for the belief that it unduly favors the criminal as against society; but still there is some justification for such a condition when society is proposing to deprive the accused of his personal liberty and freedom. But there is no necessity of applying the rules of criminal law to the discipline of a great police department; and when so applied we have no right to feel shocked or surprised at the existence of a sullen insubordination on the part of the higher officers, nor of a false *esprit de corps* which holds it to be the honorable duty of one police officer to perjure himself for the benefit of a fellow officer. If we are to get rid of these evils in police administration, we must abolish court review.

Robert S. Binkerd.[2]

[1] 98 App. Div., 620.

[2] Secretary of the New York City Club.

CON

Notwithstanding the fact that the New York assembly voted against the so-called Goethals police bills by an overwhelming majority, it does not follow that the plan of police control as proposed by Mayor Mitchel is essentially wrong or right. I think it will be conceded, the vote does show that legislators, usually responsive to the views of their constituents, believed the measures unpopular enough to warrant them casting their votes against the wishes of a city administration at the beginning of four years of power and patronage. So far as the popularity of the bills are concerned there has never been a doubt in my mind regarding the attitude of the people, and I do not believe any candidate for governor or for assembly next fall will care to stand upon a platform in which advocacy of the Goethals bills is a plank.

In the open campaign against the police bills, the writer has declared publicly that the measures were unnecessary and dangerous. As the fight progressed and I found myself opposing with the great power at my command a young and efficient mayor, to whose administration I had looked forward with hope, I frequently asked myself the questions I put to others when public matters are debated, namely: (1) are you qualified to discuss the subject? (2) will success benefit you financially?

I have found that in discussions of public affairs debaters have either given little study to the subject or they benefit materially by the success of the cause they preach. If a quarter of a century of experience with police affairs qualifies one to give an opinion on a police problem the writer owed it to the public and to the mayor to take a stand for or against the proposed legislation. So far as any benefits derived by the defeat of the bills there have been and can be none. On the contrary the success of the mayor's plans meant radical changes in the great force of 11,000 men, more dismissals, more appointments, more promotion examinations,—all that goes to advance the circulation of a newspaper read by them and to create a demand for books. Hence it was that, after having, at the mayor's invitation prior to election, discussed with him police affairs, and having received from him a satisfactory signed statement of his attitude toward the police, I was amazed to learn of his desire that the protection of the courts be taken from all policemen.

So successfully did the mayor make his appeal for power over the police that influential organizations like the city club, the merchants' association and the chamber of commerce, responded to the call and united in an effort to pass the bills. Opposition was expected from the "system," that bug-a-boo that may be applied to any body of men, whether lawyers, merchants or police, who find a necessity for organization in order that they shall accomplish by united action that which would be impossible to the individual.

But the real opposition to the police measures came from the public, from men who cast their ballots for Mr. Mitchel, from members of his own cabinet, from newspapers that were foremost in supporting his candidacy. Mr. Hearst was firmly convinced the mayor was wrong, and the bills vicious. He did not hesitate to say so and placed his great machinery of publicity at the command of the writer in order to stop the mayor in what Mr. Mitchel's close friends regarded as a suicidal policy. The *New York Times*, also a Mitchel supporter, opposed the bills as did *The Sun* and the *Brooklyn Standard Union*.

While the city club and the merchants' association were sending out appeals to organizations and influential citizens to rally to the support of the mayor, the tide of popular opinion was set against the measures. The people were opposed to such legislation and their handwriting was seen upon the legislative walls by representatives who seldom make errors in interpreting the popular will.

I have listened to every argument put forth by those who favored the bills. I heard the mayor at the city club and at the press club in both of which I have the honor of membership. I heard the mayor make his appeal to the joint legislative committee. Yet every argument made for the bills, when put to the test of my own knowledge and experience, made me more than ever convinced that to take away from policemen protection from unjust removal was far more perilous to the people than to the policemen, and altogether unnecessary as a means of enforcing discipline.

Let those who are inclined to favor the Goethals bills study the question carefully. The mayor has said that the bills, if enacted, would make the policemen "more responsive" to their commissioner, that the reinstatements by the courts had a demoralizing effect and that the fact that the policemen had tenure of office while the commissioner had none made the passing heads little respected by the men.

In the past twenty-five years the court of appeals has directed the reinstatement of only nine policemen. In one of these cases a new trial was ordered, and upon the re-trial the officer was again dismissed, which dismissal was finally sustained by the court.

According to the report made by the Curran aldermanic committee covering a period of fourteen years, 683 policemen appealed to the courts against dismissal. In all only forty-six were reinstated by the courts. This does not include at least 200 additional policemen who were dismissed and who did not seek reinstatement through the courts. So that of a total of nearly 900 dismissals forty-six or approximately five per cent, were restored by the courts.

Is it possible that the discipline of the police force has been, or can be, shattered because of the reinstatement of these forty-six men out of 900 in fourteen years?

The question of depriving members of the force of the right to present their grievances to the courts is not a new one. Such legislation has been repeatedly advocated, but the great danger of vesting such powers in the police commissioner and the consequent demoralization of the force was so obvious that the attempt was abandoned. Recently the Curran committee thoroughly investigated this subject and examined many witnesses. Finally it embodied the following recommendations in its report:

> The right to a court review is a protection to honest members of the force. Any policeman who fearlessly performs his duty necessarily makes enemies who are only too willing to injure him. If the commissioner were vested with arbitrary power of dismissal, injustice would more likely result then under the present system which requires sworn testimony in support of charges. The arguments usually advanced against the preservation of this substantial right have less force than when it is realized that reinstatements by the courts have been so few.

Very frequently charges preferred against members of the police force are *quasi*-criminal in their character and involve a crime. Would it not be a travesty upon justice to vest in the police commissioner the arbitrary power of dismissal upon such charges without the necessity of a trial and sworn testimony, and sentence the accused to the loss of a position from which he earned a living for himself and family, and send him forth into the world with the stigma of dismissal, which could not fail to interfere with his obtaining other responsible employment and earning a living for them without the right to test the justice of such dismissal in court?

The police bills provided that any policeman dismissed would be entitled to all the money he had paid into the pension fund plus interest upon the same. Thus under such a law in the period of fourteen years above stated about 854 dismissed men who lost all because of dismissal would have received substantial sums to offset their punishment while the forty-six innocent men who were dismissed by perhaps the whim of a temporary superior would have been examples of injustice sufficient to demoralize any body of men.

A policeman with twenty years' service to his credit has much more to lose by misconduct under the present law than he would under a Goethals act. To-day he would lose all, his contributions to the pension fund and the right to a pension as well as his position. Under the proposed legislation he would receive a substantial sum of money. The statistics show that ninety-five per cent of the men dismissed would be benefited financially by the change. This does not argue well from the viewpoint of the public treasury which would lose tens of thousands of dollars now held for pensions of those who perform duty faithfully over the required period of time.

But the real peril of the police bills lies in the great power they would place in the hands of one man to say what laws shall or shall not be enforced in a community of 5,000,000 people. Government is maintained only by a system of checks. Experience has taught us that whether it is the nation, state, city or a great corporation, to the extent that great power without checks is given, to that extent has there been danger of corruption or abuse of authority. The nation to-day is struggling to free itself from the domination of financial combinations that are legacies of days when there were no checks upon their work. The state of New York has been awakened to grafting among high officials and yet such misconduct has been the result of unchecked power. The metropolis has not forgotten the years that have gone by when its treasury was mulcted annually out of thousands of dollars because of the absence of a system of checks upon those in temporary power.

After the experience of the decades, why should any community give over its precious right of government by law into the hands of any man chosen by another after a successful political campaign? Why ask your newly appointed patrolmen to swear to enforce the laws, if obedience to a passing superior is more important to his own wellbeing?

How long will a police force be free from politics when the members of it know their tenure depends upon the discretion of a commissioner and his deputies, who, perhaps, owe their own appointments to the assistance they gave in a political contest that preceded their selection? Fortunate, indeed, is that commissioner who has not such despotic power over so many thousands of fellow citizens.

How frequently have we heard of the police problem in the solution of which so many have apparently failed? Is there a police problem? If so, what is it and how may it be solved? The police problem is the complex social and industrial conditions peculiar to all large American cities, but more intensely peculiar to the metropolis. It is the problem that caused Mr. Roosevelt to give up his police commissionership in disgust. In Mr. Roosevelt's days it was vice, gambling and excise just as it is to-day. I talked with him at the time on these topics. Two of his three colleagues, Commissioners Grant and Parker, opposed his methods of solving the problem and the board was deadlocked for weeks.

Other commissioners passed along, some favoring "liberal," others strict enforcement of the law. The police force followed. They "winked" at violations of law when they knew the head of the force didn't mean to have the spoken orders obeyed. The policemen have known when their commissioners really meant what they said and when they didn't. When one realizes the hypocrisy and corruption that permeated the police throne in the years gone by, it is a wonder that the force is as good as it is to-day.

Whenever an order has been given to the police, they have obeyed it literally. It is when the policeman interprets the law, himself, as he is frequently required to do, that he finds himself in trouble with clever lawyers ready to entrap him. Only once has the real head of New York's police force (the mayor) ever instructed the police what to do and how to do it. The mayor was the late William J. Gaynor. The force found itself in the midst of public clamor that followed the Rosenthal murder. The police were in doubt as to their authority in enforcing the excise law in restaurants after one a. m. In previous administrations they had been left to shift for themselves. Mayor Gaynor issued his orders. There was no quibbling. He directed the police to "drive out" those who were found in restaurants where liquor was sold after one o'clock. The police obeyed. They had received an interpretation of the law and orders, too, from a man who had been a justice of the appellate division of the supreme court. But on the third night the district attorney stepped in and ordered the arrest of the inspector and a dozen policemen who had carried out the orders of the mayor. Such was the spectacle presented on the very first occasion when a mayor told the police what to do and how to do it.

The police are not told what to do and how to do it because their highest superiors do not wish to take that responsibility upon themselves. Mayor Gaynor did it once, but never repeated the proceeding. The police do the best they can under the most difficult circumstances. The law which they have sworn to enforce may read to them as plainly as A, B, C, but they soon learn that even the A, B, C, is interpreted a dozen ways by as many magistrates, that ordinances to be enforced must have the approval of the particular magistrate then sitting in the district where the arrest is made.

Comparatively few people understand the difficulties that beset the policeman in his everyday work. He is, indeed, a magistrate on his post, but his usefulness would be ended quickly if he attempted to enforce the hundreds of laws that are upon the statute books. He learns by experience that the concrete will of the people, as expressed by orders, newspaper clamor, or specific complaints, is to be recognized.

The policeman is well posted on the law. He requires only to know what is wanted of him. He is as good as the community he serves. He never hesitates to sacrifice life in performance of duty. He is tempted more than his fellow citizen. Over him are placed officials that are creatures of political favoritism. He stands in the center of a great mixture of people, thousands of whom are held in check by his presence. He has sworn to enforce the law. He obeys the last order first. His work is obnoxious and at best unpopular.

This is the man—the policeman—who to-day is protected by the law he has sworn to enforce. Do American citizens wish to jeopardize their own rights by giving into any official's hands the despotic power of dismissal over any one or all of the police army of New York City?

JOSEPH J. O'REILLY [3]

MINNESOTA HOME RULE AND WISCONSIN REGULATION

THE FINDINGS OF THE MINNESOTA HOME RULE LEAGUE ON STATE REGULATION OF PUBLIC UTILITIES IN WISCONSIN

THE Minnesota home rule league, an organization whose purpose is "to promote the principle of home rule in the control and regulation of public utilities in Minnesota," has recently issued a pamphlet in which it "draws the following indictment against the Wisconsin system of state regulation of public utilities as administered by the railroad commission:

1. The commission has not given relief to the public in the way of lower rates and better service in any such measure as has been secured by the municipalities of Minnesota under home rule, and in notable cases in other states not under state regulation.

2. It has shown a strong leaning towards the interest of the utilities as against public interest, as revealed in its findings of high rates for service, more than reasonable profits and excessive valuations. Originally created as an agency for the protection of the public from the exploitation of utility companies, it has become rather an agency for the protection of the companies and the means of increasing the value of their investments.

3. It has moved with exasperating slowness in rate and service cases involving great public concern, with the companies profiting enormously in the interim by its inaction.

4. It has put a big financial burden upon the state at large for the alleged benefit of the cities.

5. It has been an obstacle in the way of the cities securing for themselves relief from oppressive conditions of rates and service through municipal ownership, by inviting competition, or by other methods.

6. It has compelled the cities in many cases to go to large expense to defend their interests, both before the commission and the courts, when the theory of the law is that the commission is created to do exact justice towards all parties concerned.

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7. It has used the indeterminate permit to protect inefficient private electric utilities in their local monopoly, in continuing poor service and excessive charges and in avoiding their legal contract obligations with municipalities.

8. It has busied itself with inconsequential details which common sense alone would leave to the discretion of local authorities and utility officials thus inconveniencing the public and delaying consideration of vitally important matters.

9. It has determined for municipalities matters of broad fundamental public policy, which by natural right belong to the municipalities to determine for themselves.

10. It has interfered unwarrantably with the operations of municipal plants.

11. It has discouraged the cause of conservation of natural resources advocated so strongly by other departments of the Wisconsin government.

12. It has failed signally to eliminate the public utilities from local politics. On the contrary, it has compelled them to be more active than ever.

13. It has worked to suppress community initiative and to retard the development of citizenship and growth of the citizens in capacity for self-government.

14. In rate-making for water and gas, both municipal and private plants, it has discriminated heavily against the general public and in favor of the privileged few.

15. It has shown a brutal disregard of local public sentiment in matters affecting vitally the political, social and material welfare of communities.

16. It has gained such influence over the legislative body of the state that, in effect, it writes its own legislation, with the result of dangerously enlarged powers in this department of government.

17. It has not facilitated the settlement of controversies between municipalities and public utility companies, but, rather, often operates to still further complicate the situation and delay the day of final adjustment.

Comparisons are made to show that Duluth and Minneapolis have secured better rates and lower service than have certain Wisconsin cities. Duluth, in push and business optimism, leads most American cities; residents of Duluth admit this. Minneapolis has succeeded as have but few cities in the United States in getting reasonable rates and fair standards of service for its citizens. An especially alert city club seems to be responsible for this. These facts indicate that Minnesota should follow the lead of California and grant to its cities the option of voting themselves under state regulation, and then out again if they wish. This would give an effective check to the state commission as the city's expenses would tend to be greater if it kept up its own regulative machinery. The league goes much further, however, than to demonstrate the advantages of home rule to certain Minnesota cities.

The Wisconsin commission and the principle of state regulation are "indicted" of ills that are in no sense attributable either to the commission or to the principle of state regulation. Thus the commission is

condemned for standing staunchly by the "step-rate" system of charging for lighting service—that is, the fixing of the price for the several classes of consumers on the basis of exact cost of service—as being discriminatory against the small consumer. This whole question is one upon which judgment cannot be rendered with the degree of finality found in this report. If criticism is to be made of the plan, it must be lodged against the general practice of both private and municipal plants throughout all the United States. The Wisconsin commission is in no sense the author of the plan; the plan comes from the immemorial practice of private lighting concerns. That it is justified in fact seems amply proved in an article on electric lighting and power rates by Halford Erickson, in the current May issue of *The Annals of the American Academy of Political and Social Science.* Any criticism of the Wisconsin commission for adopting the step-rate system should at least be supported by evidence that some other plan is better. And no such evidence is given in this pamphlet.

Another way in which an attempt is made to attach blame upon the commission for which it is no way responsible is to place to the discredit of the commission the court delays that have occurred after the commission had handed down its decision. Thus the reduction of thirteen street railway tickets in Milwaukee to twelve tickets for fifty cents is still awaiting the decision of the courts. This, in no sense, of course, is an indictment against the commission. Again, state regulation seems to be held responsible for the fact that, after the commission had placed a value of $236,000 on the Manitowoc water plant, W. S. Maxcy demanded $11,500 additional, and the city decided to pay it rather than go to the courts. The same owner used the same methods to secure $4,000 from Antigo very recently. The same owner is now forcing Oshkosh to go to expense in the courts to justify the valuation placed by the commission.

Delays due to appeals by public utility companies from the commission's decision to the courts, if anything, prove only that the companies have not secured all they wanted from the commission. It is thus as much a recommendation for the action of the commission as a criticism of it. Indeed, the want of such appeals would show quite conclusively that the commission was giving to the utilities such valuations as they themselves fixed upon their own properties.

The commission's disregard for local public sentiment does not seem to be adequately supported by the facts stated by the league. The facts indicated, however, do point out one of the dangers of state regulation. A member of an eastern state public service commission recently stated to the writer that one great advantage of state regulation was that local prejudices could not force rates, services or extensions from utility companies regardless of whether or not they were warranted. Con-

tinuing he said, "To us the cities are 'merely spots on the map.'" But the facts cited by the league do not support the contention that the Wisconsin commission habitually disregards local sentiment that is well-founded and general throughout the community. Any decision of any commission, local or state, will meet with some adverse criticism.

The league quotes John W. Bennett, "a lawyer, newspaper man, publicist and trained investigator," as authority for the statement that out of the 134 cases [1] decided by the Wisconsin commission from 1907 to 1912, Wisconsin's public was successful to a substantial extent in but seven per cent of the cases brought by it for rate reduction and was given only the slightest relief in but twenty-nine per cent of the cases; while public service corporations were successful to some extent in more than ninety-six per cent of the cases they brought before the commission for rate increases, and fully or substantially successful in more than eighty-two per cent of their cases for rate increases. That is, during the term of five years when the trend of public service charges in other states have been "so strongly downward," the trend under the Wisconsin commission was "uniformly upward."

A survey of the decisions made by the Wisconsin commission shows that these statistics and percentages are not correct. But even if they were correct, they might be used as convincingly to prove that the public's requests for lower rates were either unfounded or poorly supported, and that the utility companies themselves never asked for an increase of rates unless the increase was clearly justified. The percentages, however, do point to the possibilities of favoritism by public service commissioners. The facts submitted with them, however, do not substantiate the conclusion that the Wisconsin commission has favored the corporations at the sacrifice of public interest. The time is at hand when adequately supported data on this subject should be collected. It is to be regretted that the league did not take more care to support this indictment accurately and in detail.

[1] "Wisconsin cities and the public generally have asked the Wisconsin commission in charge of public utilities for reductions in thirty-nine cases. Substantial reductions have been granted by the commission in but three cases, and small or nominal reductions in eight additional cases.

"Public service corporations of Wisconsin have asked the commission for increase of rates in fifty-two cases. Substantial increases have been granted in forty-three cases, and small increases in seven additional cases. In other words, some increase has been granted in nearly every case where it has been asked. Some have been granted when not asked for.

"Cities or the public have asked for better service in thirty-two cases. Better service has been ordered in twenty cases. In some of these cases it was conditioned upon increased rates.

"Public service companies have asked for relief of various kinds in ten cases. It has been granted by the commission in nine cases.

"Citizens or cities have asked relief in ten cases. It has been granted in five cases."

One of the standard arguments for state regulation is that it will prevent the duplication of laboratory equipment and the use of experts. The Minnesota league has interpreted this to mean that cities would not have to pay for expert services when their cases are before the commission. Thus the pamphlet points out that Milwaukee spent $18,000 and Beloit $17,000, respectively, in carrying certain of their cases to the commission, and that Baraboo, Racine and Kenosha have also found it necessary to employ experts.

Even a casual reading of the decisions of the Wisconsin commission will show that large laboratory costs and costs for other expert service have been saved to Wisconsin municipalities. Indeed, it would appear that the commission's inspection service alone [2] must have saved the cities of the state heavy expenses for inspection service. The supposition that state regulation would do away with *all* expenses to cities for expert service is not well founded. It has always been expected that the cities would employ such experts as were needed in order to support adequately the cases they brought before the commission. The commission cannot be expected to be both judge and prosecuting attorney. But more to the point, the best means for judging the effectiveness of state regulation will be the publicity of the data collected and points made by individuals and by cities and by experts in the employ of either or both.

It is the attitude of public utility commissions toward valuation that will ultimately determine whether or not regulation will long stay the demand for public ownership and operation. In making its valuations, the Wisconsin commission has had, by all odds, as fair a record as any other of the state commissions to date. Indeed, the league's pamphlet states that the members of the Wisconsin commission "in character and sustained personnel stand out prominent above all other state commissions."

Yet the league charges the commission with granting "too liberal" overhead charges in valuation cases. The Wisconsin commission usually allows twelve per cent for these expenses; it has recently allowed fifteen per cent. Other commissions have allowed at least as much and often more. The California commission in one of its cases allowed fifteen per cent; the New York public service commission, 15.4 per cent; the Nebraska commission 17.2 per cent; the New Jersey commission in the Passaic gas case, 17.2 per cent. The Wisconsin commission, therefore, has not allowed as much for this item as have other commissions. The league submits no evidence to show wherein and why the Wisconsin allowance is unduly large.

Certainly these charges cannot be a uniform per cent to be applied in every case; for overhead charges will never total the same in the con-

[2] See article by J. N. Cadby on "Regulating the Quality of Public Utility Service" in the *Annals of the American Academy of Political and Social Science*, May, 1914, p. 262.

struction of any two utilities even under identical conditions and specifications. And since no uniform charge can be made, certainly unusual ability must be recognized if it has been used. But the league objects to an allowance for "unusual engineering foresight" in the valuation for rate-making purposes in the Milwaukee gas company case. This company put in a certain distributing system which it alleged had already saved $322,000 on capital investment and would ultimately save $1,449,000. The commission valued the plant at $10,700,000, of which $1,344,000 were allowed for going value, and for "economies resulting from unusual engineering foresight and other items." What the other items are, we do not know, and what part of this was allowed for unusual engineering foresight, the commission does not state.

The league also intimates in its pamphlet that the commission has allowed too much for going value. Under the Wisconsin rule, going value is the cost of establishing the business. It may be that it is a mistake to allow this cost to be considered as part of the capital cost; it may be that it should properly be a charge against earnings and be allowed for in the rate of return. But certainly these costs should be allowed for in either way. The league fails to show just wherein the Wisconsin commission is at fault in allowing for them.

Complaint is also entered because the commission allowed the items entering into the reproductive value of a company's plant, the land donated to it by the city, and service connections paid for by consumers. The commission justified this allowance for donated land and for service connections paid for by consumers, as follows:

> For purposes of proceedings like these herein, the utilities law does not inquire into the manner in which property of utility corporations devoted to the public use was originally obtained, whether by purchase, inheritance, gift or theft. The law simply compels the commission to value this property, and to consider this valuation in taking official action with respect to rates and service. It therefore follows that the value of the donated land must be included in the value of the property devoted to the public use.

It is further alleged that valuation has been "padded" by allowing for pavement laid over mains without expense to the company. This item in the Oshkosh water works case added $58,015 to the valuation, when the paving actually disturbed in the process of laying mains was but $1,229.

It must be remembered that the value for lands donated, connections paid for by consumers, paving over mains when paving was laid after the mains were put into the ground, etc., is added only when arriving at the *reproduction* value. But reproduction value is not the only means used for getting at the fair value for rate-making purposes. The Wisconsin practice, as the practice of other commissions, has been to use this

as but one of the means for arriving at what a fair value is. If the test of reproduction cost is to be used at all, it is clear that the above items must be included. The Wisconsin practice is then to check up the total reproduction value with the actual cost of the plant, its present physical valuation, its cost new less depreciation, etc. Hence, it is evidently unfair to attack the items in reproduction costs as the only means used by the Wisconsin commission for arriving at fair valuations.

The pressure upon public utility commissions has been, and no doubt is, to recognize all the values that the utility companies themselves think they are entitled to. The point of view of the average owner of public utilities was well expressed by Mr. Mellen in his recent testimony before the Interstate commerce commission when he replied to the question "So you paid $19,000,000 or $20,000,000 for property worth about $8,000,000?" by saying "I do not accept your valuation of $8,000,000. The sum we paid was the value of the trolleys." "How do you estimate the value in a case like that?" "When I value a purchase, I consider its *prospective value;* what it will *ultimately* be worth." Now it is just this value that the public cannot be expected to pay rates on, and yet it is this value that public service commissions must allow if they are to satisfy wholly the owners of public utilities. Hence theories are advanced before public service commissioners which will justify whatever valuation the public utility companies themselves think their plants should have, including prospective as well as present value. Moreover, as a rule, the commissions get their facts and ideas from the companies themselves. Their tendency, therefore, is to favor the companies. Now regulation will be effective only if public service commissions arrive at valuations that are as fair to the public as they are to the companies. The public at large is in sore need of standards by which these valuations can be tested in this light. The league has failed to set these standards. Nor has it shown to the satisfaction of even the casual reader of their pamphlet that the Wisconsin commission has padded valuations.

The most telling argument used against the Wisconsin commission is its attitude toward competition. Under the Wisconsin law, as under the laws in Pennsylvania and other states, there can be no competition, in fields already occupied, either by municipalities or by private companies unless the commission first issues a certificate of convenience and necessity stating that the public needs justify such competition. To date the Wisconsin commission has never issued such a certificate. The league alleges that this has resulted in complacent inefficiency on the part of the utility thus given a monopoly. More specifically, it essays to show that this attitude has thwarted the development of the state's water power for electric lighting purposes. One can readily admit the league's statements that the Wisconsin water power is not being adequately utilized. But this fact alone does not clinch their arguments. For it does not neces-

sarily follow that electricity can be generated more cheaply by water than by steam. Water plants require a larger capital than steam plants, roughly in a ratio of 3 to 2, and unless the load of the water plant is admirably distributed, the total cost of generating electricity is not less than in steam plants. The league submits no facts as to these relative cost factors in Wisconsin. Consumers can not be expected to pay higher rates for electricity generated by water merely that the "coal may be used for something else."

Duplication of plants and distribution systems will have to be paid for by the public in higher rates. Yet if competition is never allowed, it seems evident that slothful and inefficient management must inevitably result. Therefore the rule of the California commission will, in the long run, be much safer than the practice of the Wisconsin commission has been. In Wisconsin, the public utility company whose territory is threatened has been given ample time to repent and make the necessary readjustments. In effect this means that all that an offer of lower rates by another public utility company can mean is that the company against which competition is threatened will merely readjust its rates or service standards to meet the will of the commission. Utility companies, therefore, will have no tendency to compete with one another, either in efficiency or for territory. And no adequate data will be at the disposition of the average consumer by which he may know whether or not his rates are too high.

The adoption of the principle that utility companies shall have a monopoly in their respective territories is in effect to state that the managers of the utility companies are made agents of the state to secure the best possible rates and standards of service for their patrons. To couple this principle with the practice of never allowing competition is as absurd as to hold that employes under civil service should never be dismissed for any cause, however just. The Wisconsin commission, to be sure, has stated that territory *might* be taken by a more efficient company, but this it has never allowed in practice.

The California ruling is that, if one utility occupies a field and another utility seeks to enter, the first utility will be protected in its monopoly only in case its service had been as adequate and its rates as reasonable as the new utility could give. That is, the certificate of convenience and necessity would be issued on the basis of the rates and service in effect on *the date of the filing of the competing utility's offer;* and endless time for repentance is not granted. Each utility company, therefore, is expected to put itself in such a position that its patrons are at all times adequately served at reasonable rates.

"By announcing this principle," says the California commission, "we hope we shall hold out to the existing utilities an incentive which will induce them voluntarily, without burdening this commission, or other

governmental authorities, to accord to the communities of this state those rates and that service to which they are in justice entitled, and to the new utilities we shall likewise hold out the incentive that on the discovery by them of territory which is not accorded reasonable service and just rates, they may have the privilege of entering therein if they are willing to accord fair treatment to such territory."

The public is in need of standards by which it may test whether its utility commissioners have a public point of view or are merely adjuncts to the very utility companies they are supposed to regulate. The Minnesota home rule league could have done much more than it has to set such standards and to point out the tests by which they may be measured. It has not adequately supported its indictments against state regulation in Wisconsin.

CLYDE LYNDON KING.

THE TWENTIETH CENTURY CLUB OF BOSTON

THIS club originated over twenty years ago in the minds of a little group of bright men. W. O. Partridge, the sculptor, is said to have suggested the idea to the late Charles H. Ames of D. C. Heath & Company, a man of public spirit and unusual thoughtfulness. These men and their friends thought that there was need of a more democratic kind of club than the prevailing conventional and rather expensive clubs of that time. Perhaps they did not altogether foresee the direction in which the new club would grow, but they all desired to get together, and they wanted the chance for a thoroughly frank and open discussion of every kind of subject that faces a civilized man.

The call for a first meeting began with the following sentence: "It is felt by many that a club in Boston, including men in the various fields of literature, and politics, and business, animated by a common progressive spirit and interested alike in the creation of a better society, would be a distinct addition to the intellectual and moral life of our city." This call was signed by Edward Everett Hale, J. Pickering Putnam, Edwin D. Mead, John Fiske, Charles H. Ames, Henry Stone, W. D. McCracken, William Olney Partridge, Davis R. Dewey, Robert A. Woods. Mr. Mead, who wrote the call, set forth the main object and motto of the club in the words "to promote a finer public spirit and a better social order." Mr. Mead proved at once the natural leader of such a club, and became its first president. Indeed, his large-mindedness, his hearty friendliness, the wide range of his social sympathies and his unselfish and indefatigable energy have been from the first a most important element in the success of the club, and in keeping it close to the line of its splendid motto.

The constitution, adopted in January, 1894, provided for the admission of women as well as men, and the first membership list included thirteen women with seventy-seven men. At present nearly two-fifths of the members are women. There is a tacit understanding that this proportion shall not be exceeded. There is also a kindly indulgence permitted to smokers at the regular luncheons, with the tradition that the first Saturday of each month shall be sacred from the use of tobacco. A commodious smoking room, however, where the men can withdraw by themselves is believed to save the smokers from undue suffering, and to give that utter freedom from social conventions which the masculine creature requires. After the usual luncheon period, that is, after three o'clock, much excellent talking generally goes on among the group in the smoking room upon the subjects of the day, with a chairman informally chosen for the occasion, and one or more of the speakers of the day, with great freedom of question and answer.

Almost from the beginning the most characteristic feature of the club has been the regular Saturday luncheon. The meal itself, simple but wholesome, is provided by the skill of an excellent and experienced woman at the cost of fifty cents a plate. The hall of the club house will seat almost two hundred persons, arranged at a number of small tables. With certain limitations prescribed by the house committee, members are free to bring each a guest to the luncheons. After the luncheon most of the tables are rapidly removed, allowing chairs to be placed for any who may choose to come for the speaking.

A committee of which the efficient and wide-awake secretary of the club, Edward H. Chandler, is always the most active working member, arranges the program of each meeting, with a pretty flexible allowance for freedom of changes or additions in the list of the speakers. Loyal members are always on the alert to suggest good subjects or to introduce eminent strangers. Every subject that touches human interest, or affects the welfare of mankind, is welcome, but the special effort is to hear from men and women who are expert in their chosen subject. Thus, travelers, scientists, investigators, social workers, editors, statesmen, and politicians, men of affairs, men "who have done things," make up the long list of the club speakers. Richard Bennett, Lady Gregory, J. W. Bengough, John J. Enneking, C. Howard Walker, Mary Antin, Richard Watson Gilder, W. E. B. DuBois, Hamilton W. Mabie, Alfred Noyes, Joseph Fels, Marcus M. Marks, President E. Benjamin Andrews, David Starr Jordan, Thomas Davidson, Samuel T. Dutton, Baron d'Estournelles de Constant, Count Apponyi, Senator Lafontaine, P. Ramanathan, Sixto Lopez, Baron Kaneko, William T. Stead, J. Keir Hardie, John T. Tobin, Bishop Brent, Speaker Champ Clark, John D. Long, Lyman Abbott, Washington Gladden, Rose Pastor Stokes, Hiram Brigham, are

only a few from the roll of well-known, and often highly distinguished men and women whom the club has welcomed.

The membership of the club contains a large proportion of busy people, who are in some way active in the service of the public, or closely identified with the numerous agencies for social betterment for which the city of Boston and the state of Massachusetts are conspicuous. It would be fair to say that no one is asked to join the club of whom the old Latin verse would not be true: "*humani nihil a me alienum puto.*" The speakers at the luncheons are not infrequently members of the club. It is a rare hour when some member is not ready to bring valuable contributions to the subject under discussion. Membership is drawn not only from what is called "Larger Boston," but non-resident members often appear from beyond the Boston region; these pay an annual fee of $6.25, half the fee for resident members. The present membership is 600, a number only limited by the accommodations of the club house. Over 1,300 men and women have been enrolled since the club was formed.

The club generally prefers, when two or perhaps three select speakers discuss a given subject, that they present its different sides or aspects in short talks of about twenty minutes each. It is remarkable how much a good speaker, who knows his subject, can say within this limit of time, if he is thus challenged to give what he thinks the heart of the problem. But no single theory of the conduct of the luncheon talks can be allowed to stand in the way of the freedom of the club to do its best with the time at its weekly disposal, say, an hour and a quarter altogether. Often some distinguished guest is introduced unexpectedly at the luncheon, who may bring the greetings of a distant nation, or some member, interested in a pressing matter of civic or legislative action, desires a few minutes to state the case to the meeting. It has seemed best on the whole, therefore, to be ready not only to carry out the printed program (issued by postal card fortnightly) but to entertain interesting surprises, the most delightful and useful meetings often being those, the character of which no one could have anticipated. Thus, on one occasion, Count Apponyi, the famous Hungarian statesman, found himself at the speaker's table with two Slovaks, whom some one had brought to the club, their minds full of resentment against the count's governmental policy towards their people. This was not a nice combination, but the three men, guiding themselves at once with courtesy in the habitually hospitable atmosphere of the club, were presently behaving like old friends, and were doubtless glad ever after to have met each other face to face.

Of course there is no color bar in the membership of the club, any more than in the choice of its guests and speakers. One of the most respected members is Miss Maria L. Baldwin, the colored principal of a great grammar school in Cambridge with white teachers under her direction. A guest from one of the slave-holding families of the old gulf states might

meet at table the colored agent of a new industrial school that he had never heard of before. Both would be heard with friendly attention, and it would be presumed that the white man himself would be pleased on occasion not to mind the color or clothing, but to obey the great democratic and Christian law of treating every man according to his manhood.

The tradition of the club is that every speaker may say exactly what he thinks, and in his own language, but that he shall never speak in bitterness or ill temper. It is well recognized that whoever loses his temper invariably hurts his cause, and usually raises questions as to the accuracy of his statements.

Besides the Saturday luncheons, from the beginning of October to June, there are occasional receptions, sometimes evening lectures, perhaps with the coöperation of some other society. There are various committees, for example, on education, on art, with exhibitions of paintings from time to time, on the drama, on international relations. The latter seeks to promote good feeling among people of diverse nationalities and a better understanding about other countries. The club thus hears frequently from natives, as well as travelers and missionaries, from every part of the world.

The question is often asked, what does the club do? If one were to attempt to tell what the members are constantly doing, it would be a long and interesting story. But the club does not, in fact, try to do things as a club. For one reason, it proposes to hold in its membership men and women of the most diverse views on every subject of thought, Roman Catholics and free-thinkers, socialists and the most extreme individuals, strict party men and independents, people who believe in a navy and others who hold that the nation would be safer without battleships. The idea is to hold together on the fundamental human basis of mutual respect and freedom. It has been said that the club is a company of "cranks." If this is so, they all turn different ways, with an inevitable rubbing off of sharp edges and antagonisms. Evidently, however, it could never be fair to try to commit the membership to any single opinion or mode of action. It is enough to provide what has been called "a clearing house of ideas," a free platform, where all subjects may be heard in a kindly temper. This means the opportunity to make wholesome public opinion, under the stimulus of frank criticism. Reporters of the daily papers are always welcome, with the single proviso that they shall respect the speaker's wish who may ask to have an occasional paragraph regarded as private. The propagandist of an unpopular cause, the I. W. W., for example, may have a fair opportunity to make converts if he can, but, be he guest or member, he must be ready to meet a fire of interrogation marks. A member who needs help in bringing desired pressure upon the legislature, or congress, is welcome briefly to state his case and to ask for

volunteers, but he may not attempt to pass resolutions which would involve the membership of the club, the majority of whom are never present at any one meeting. Indeed, it has been said that a vote could not be got through the club in approval of the ten commandments! And yet no group of people could be found with a closer sense of agreement touching all the highest standards of conduct, with more earnest idealism, or with a keener admiration for the great practical gifts of efficiency, straightforwardness and common sense.

In some respects the club has fulfilled to its members the place of an intellectual "church," not imposing any opinions, but seeking light, and uniting its members in a certain friendly attitude. It has often also been like a church, in the high reaches of faith in the possibilities of mankind and in the spiritual nature of the universe, to which its meetings have repeatedly risen. Many a member has reported that the attendance upon the meetings is a sort of "liberal education." Ministers have been better prepared for their Sunday work by touching elbows with men and women who brought to the club an active enthusiasm for humanity, or the story of some noble venture of helpfulness, like Doctor Grenfell's.

The club has not, however, been without its efforts in the direct service of the community. While it has never been willing to duplicate work already attempted by others, in a city full of all kinds of philanthropic societies, it has stood ready through appropriate committees to meet any real needs which might offer. For a number of years it provided an admirable series of educational lectures, specially for teachers. As soon as this temporary need was found to be met in other ways, the education committee dropped this work. A very useful committee also served in the investigation of tenement house conditions, till this work, having been opened to public interest, was taken over by the city. A committee on religious movements led the way, soon abundantly followed by other agencies, in a course of lectures intended to bring together thoughtful people of every name for the consideration of modern questions in religion. Any member of the club who may have upon his mind a matter of public betterment would be welcomed by the council, and given the opportunity, if it seemed best, of establishing a suitable committee to coöperate in his enterprise.

As the club grew it had occasion to change its quarters for more ample rooms, until in 1905 it established itself in its own house at No. 3 Joy street, near Beacon street and the State House. By the generous coöperation of one of its members, Joseph Lee, it maintains a library in the town room of the adjacent building, entered also through the doors of the club house. In both buildings are rooms occupied by social service societies. The place has, therefore, become in many forms a center of social activities.

The question naturally arises whether clubs of the same kind might not be useful in other cities. Worcester, Massachusetts, has one, meeting monthly, formed like the Boston club. Bangor, Maine, has also had one. Persons interested in any part of the country in this possibility would do well to write to the club house for information. Better yet, if they could come in person, they would be most welcome.

CHARLES F. DOLE.[1]

NOMINATIONS AND ELECTIONS

THE following resumé of state acts, on the subjects of nominations and elections in 1913, is based on an examination of the session laws of all the states except those of Florida[2] (which were not available at the time this summary was prepared). Only those laws which affected cities were considered. The legislatures of Alabama, Kentucky, Louisiana, Maryland, Mississippi, Vermont and Virginia were not in session in 1913. It will be noted that the developments are chiefly in the direction of extending the direct primary, especially the non-partisan primary, the short ballot idea, the recall, and corrupt practices legislation. New schemes are registration by affidavit, voting by mail, the double election in the recall, and the provision for the participation of new parties in partisan primaries. Of great significance in municipal politics are the gains made during the year by the *equal suffrage* cause. Illinois (Laws 1913, p. 333) now permits women to vote for a number of statutory offices, including those of cities, and upon all questions submitted to voters on referendum in municipalities and elsewhere. North Dakota's act (Laws 1913, ch, 151, p. 200), admitting women to the electorate, is subject to a referendum in 1914. New York (Laws 1913, p. 2226) and South Dakota (Laws 1913, ch. 134, p. 175) propose constitutional amendments for equal suffrage. In the latter state, the amendment will be submitted at the next general election, *i.e.*, in 1914; while in New York the amendment must pass the legislature elected in 1914 and then be submitted to the voters.

Registration—A few minor changes may be noted in connection with pre-election registration of voters. Indiana (Laws 1913, ch. 185, pp. 528 ff.) provides for one annual registration day instead of three as heretofore, with the possibility of an extra session of the board of registry

[1] Rev. Charles F. Dole was Mr. Mead's successor as president of the club. He has prepared this article for us at our request in view of the recent celebration of the twentieth anniversary of the founding of the club.—EDITOR.

[2] A new primary election law was passed in Florida, General Acts, 1913, p. 242, but it does not apply to municipal offices.

in September on petition of 300 voters in any county. Indiana also adopts *registration by affidavit* for voters who, on account of illness, etc., or unavoidable absence from the county, are unable to register in person on registration day. Oregon (Laws 1913, ch. 323, p. 627) has adopted a similar law, while Nevada (Laws 1913, ch. 284, p. 499) makes a slightly different provision for registration by mail. Colorado (Laws 1913, p. 262) amends its registration law by providing that persons who fail to vote shall (after due notice) have their name erased from the permanent register for the next election. A somewhat more liberal provision is that in Idaho (Laws 1913, ch. 106) where it is enacted that one registration may suffice for a voter in city elections provided he votes every year in the same city, ward or precinct.

Nominations—Most new legislation, with respect to nominations, consists naturally of changes in primary laws. Missouri (Laws 1913, pp. 335 ff.) adopts nomination by *direct primary* for all officers of cities of over 40,000 (except boards of education and boards of freeholders for framing charters). The Missouri plan is the "closed" primary. Any municipality may adopt the new scheme of primaries adopted in South Dakota (Laws 1913, ch. 197, p. 243). It contains no new features. Montana (Laws 1913, p. 570) enacted by referendum an "open" primary for all cities of 2,000 and over which are subject to general laws; it is to be inferred from this clause that commission-governed cities are excluded from the operation of the act. A decidedly reactionary primary law passed the Georgia legislature (Laws 1913, pp. 1141, ff.) for adoption on referendum by the city of Savannah. It provides for the participation in the primaries of "all political parties which have a state or national organization." Voters in the primaries are qualified electors in the city who further qualify under the rules of their respective parties, which rules are determined in each party by the executive committee thereof. This act precludes primaries by city parties, and nominations of independent candidates must be by petition bearing the names of one third the registered voters for that election. According to present advices, Savannah did not adopt this scheme. Michigan (Laws 1913, p. 201) provides for the participation of *new parties* in city primaries, a petition of 100 qualified voters of the city being necessary to establish the right to a position on the primary ballot. California (Laws 1913, ch. 690, p. 1379) enacts a similar law, three per cent of the total vote cast at the last election being required to petition, while Wisconsin (Laws 1913, ch. 680, p. 956) requires one sixth. New Hampshire (Laws 1913, ch. 192, p. 752) also makes provision for new parties in the primaries. California and Nevada (Laws 1913, ch. 284, p. 517) still adhere to the "closed" primary even to the extent of requiring a declaration of party affiliation at the time of registration by the voter as a prerequisite to participation in the primary. Nevada furnishes no opportunity for writing in names on the

primary ballot, and if only one candidate appears for any office in any party's primary, he is certified as the nominee and his name is not printed on the primary ballot. *Non-partisan primaries* grow in popular favor. In the following states it is adopted in connection with the commission form of government; Missouri (Laws 1913, pp.420 ff.) for cities of the second class of from 30,000 to 75,000 population, to be submitted to such cities on referendum; Tennessee (Laws 1913, special session, ch. 49, p. 576) adopts it for all commission-governed cities; Texas (Laws 1913, ch. 21, p. 36) authorizes it for cities of less than 5,000, and Iowa for all cities of over 2,000; Pennsylvania (Laws 1813, ch. 367, p. 568), by a mandatory law, adopts it for all cities of the third class under 10,000 and authorizes it for others over 10,000; Georgia (Laws 1913, pp. 698 and 987) adopts it in commission charters submitted to the cities of Columbus and Marietta; and West Virginia (Laws 1913, ch. 74, pp. 285 ff.) in the act submitting a commission to Wheeling. Missouri (Laws 1913, p. 339), in the law referred to above, adopts *rotation of names* on primary ballots in cities of over 40,000. Ohio (Laws 1913, p. 769) does likewise for non-partisan primaries and elections in all schemes of city government under general laws. North Dakota, by repeal (Laws 1913, ch. 222, pp. 360 ff.) abandons for all primaries the scheme of *preferential* or *second choice voting* enacted in 1911. Under a new Ohio statute (Laws 1913, p. 844) *nomination by petition* may be used in cities of less than 2,000, each petition to contain the names of twenty-five qualified electors.

Elections—The *short ballot* principle is gaining ground, usually in connection with the establishment of the commission form of government. The following changes in this direction are, however, with respect to the term of elective office: The West Virginia act (Laws 1913, ch. 74, p. 288) for Wheeling makes the term of office for commissioners four years. Tennessee (Laws 1913, special session, ch. 49, p. 576) makes the term four years for commissioners in all commission-governed cities. In various Georgia charter laws (Laws 1913, pp. 499, 507, 698, 987) the terms are for three or four years. In New Mexico (Laws 1913, ch. 72, p. 90) the term of city officers under general laws is changed from one to two years. On the other hand Wyoming (Laws 1913, ch. 113, p. 143) reduces the length of service of officials under the commission form from four years to two. Iowa (Laws 1913, ch. 54, p. 46) removes city solicitor from the list of elective officers in cities of 2,000 to 15,000. North Dakota (Laws 1913, ch. 73, p. 88) provides for *non-partisan* city elections by enacting that there be no party designations on the ballots. The candidates may state in twenty words any "principle or principles of local administrative policy or policies he stands for." Nominations under this scheme are by petition only. Massachusetts (Laws 1913, ch. 608, pp. 527), in a special law submitted to the voters of Holyoke, provides for non-partisan

elections, nomination by petition. Under this act it is unlawful for the party committees to endorse or favor or oppose the candidacy of any nominee for city office. Ohio (Laws 1913, p. 769) in proposing three plans for city government, from which any city may make its choice (provided it prefers not to draft its own charter), provides for non-partisan primaries and elections in each scheme.

Changes in *ballot* laws are noted as follows: The use of the *party emblem* is abolished in Idaho (Laws 1913, ch. 100, p. 416). In an act adopted by referendum Colorado provides that in all elections "no emblem, device or political party organization designation shall be used on the official ballot at any election, by which a voter may vote for more than one candidate by placing a single cross-mark on the ballot or by writing therein any political party or organization name, or other name or political designation." But the name of his party may be printed after the name of each candidate. Delaware (Laws 1913, title 4, ch. 65, pp. 152 ff.) continues party emblems. That state adopts voting by putting ballots in envelopes (the New Jersey plan); ballots may be procured and marked before going to the polls, the safeguards against fraudulent practices being in connection with the care of the envelopes. These provisions apply in city elections only in the case of Wilmington. Wisconsin (Laws 1913, ch. 629, p. 794) strengthens its "coupon" ballot law which provides for envelope voting and does away with marking of ballots. A new California act (Laws 1913, ch. 690, p. 1379) requires that sample primary ballots be sent to the voters registered in the various parties, and (Laws ch. 638, p. 1180) that all voters shall receive by mail samples of the final election ballots. South Dakota (Laws 1813, ch. 200, p. 199) provides for *voting by mail* by those who are necessarily absent from the polls on election day. As a check against fraudulent ballots, Nevada (Laws 1913, ch. 237, p. 362) requires ballots to be printed on paper watermarked with a special design, so arranged as to be visible when the ballot is properly folded, the design to be changed from year to year.

Recall—In states adopting the commission form, the recall is invariably a feature of the plan. New Jersey (Laws 1913, ch. 22, p. 844) strengthens the recall for commission-governed cities by reducing the number of signatures required on recall petitions from twenty-five per cent to fifteen per cent. An important development in the machinery of the recall is noted in Michigan (Laws 1913, p. 608), Washington (Laws 1913, ch. 146), and Missouri (Laws 1913, p. 452), where the recall election, if successful, creates a vacancy which is filled by a special election held later. This is felt to be more just to the officer against whom recall proceedings are instituted, in that he is not obliged to present his claims against another candidate in addition to defending the charges against himself.

Corrupt Practices—More or less complete corrupt practices acts were adopted in Arkansas (Laws 1913, p. 1253 ff.), Michigan (Laws 1913, ch. 109, pp. 189 ff.), Montana (by initiative and referendum Laws, 1913 pp. 593 ff.), Nevada (Laws 1913, ch. 282, p. 476), and South Dakota (Laws 1913, ch. 203, pp. 277 ff.). Montana's provision for publicity pamphlets is applicable to cities of more than 10,000 in primary elections. The Nevada limit of the fine which may be imposed on a corporation violating the law is $100,000. Missouri (Laws 1913, p. 464) enacted a corrupt practices act in connection with the changes in its commission-government law. Indiana (Laws 1913, ch. 180, pp. 489 ff.) strengthens its whole law in this respect and, in addition, prohibits any person from "falsely" writing or publishing anything which "exposes" or "would expose" any person to "hatred, contempt, ridicule, or obloquy or which causes or tends to cause any person to be shunned or avoided or which has a tendency to injure any person or company in his or its business, for the purpose of intimidating, influencing or inducing or procuring any person to vote or refrain from voting for or against any person . . . measure or proposition at any election, primary election, or political convention, or session of the general assembly . . . or either house." This prohibition extends to the publication of pictures and cartoons. This sweeping provision, if constitutional and enforceable, would have the effect of eliminating "mud-slinging" in political campaigns, perhaps indeed of revolutionizing campaign methods entirely.

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PREFERENTIAL VOTING AND THE RULE OF THE MAJORITY[1]

ASIDE from the few who desire proportional representation, all good citizens want candidates selected for municipal offices by a majority of the voters and regret the frequent election by minority or mere ordinary plurality.

Selection by the voters involves the following four essentials, classified under two heads:

(1) Voters' Freedom of Choice of Candidates, secured through,

(a) *The candidate's ease of getting on the final election ballot, independent of boss or party.* That this nomination by a small petition does not result in a multiplicity of candidates after the novelty has worn off, is proved by long experience in England and Canada and is borne out in Spokane. But if you fear the voter cannot discriminate between

[1] The progress of the Bucklin system to date (June 1, 1914) can be seen from the following list of preferential voting cities on page 582.

the many candidates that may temporarily occur, require each candidate to make a cash deposit to be refunded only if he secures a considerable vote.

(b) *The candidate's freedom from large election expense and from abuse by rival candidates and their friends.* The candidate's election expense should strictly be limited by law and he should be furnished an inexpensive means of publicity like the Oregon pamphlet which offers each candidate space at small cost and is mailed to all voters.

Unless both these requirements are met, many of the best men will not submit their names to the voters for choice.

(2) Election of the Candidate Actually Supported by the Largest Number of Voters, secured through,

Preferential Voting Adopted—Primaries Supplanted

Date	*Cities*	*Population in 1910*	
1909	Grand Junction, Col.	7,754	*
1910	Spokane, Wash.	104,402	*
1911	Pueblo, Col.	44,395	* †
1912	New Iberia, La.	7,499	* †
1913	Duluth, Minn.	78,466	*
1913	Denver, Col.	213,381	*
1913	Colorado Springs, Col.	29,078	*
1913	Portland, Ore.	207,214	* †
1913	Nashua, N. H.	26,005	
1913	Cleveland, Ohio	560,663	‡
1913	La Grande, Ore.	4,843	† ‖
1913	Fort Collins, Col.	8,210	†
1914	Vineland, N. J.	5,282	*
1914	Ridgewood, N. J.	5,416	*
1914	Nutley, N. J.	6,009	*
1914	Hawthorne, N. J.	3,400	*
1914	Bordentown, N. J.	4,250	*
1914	Millville, N. J.	12,541	*
1914	Long Branch, N. J.	13,298	*
1914	Orange, N. J.	29,630	*
1914	Atlantic City, N. J.	46,150	*
1914	Passaic, N. J.	54,773	*
1914	Trenton, N. J.	96,815	*
1914	Jersey City, N. J.	267,779	*
		1,837,253	

Preferential Voting Adopted as Adjunct to Primary

1913	Houston, Texas	78,800	
	Total Population	1,916,053	

* Commission form charter. Regarding the New Jersey cities, see note next page.

† Restriction to one vote in the third column for each office to be filled. The provisions in this respect of La Grande and Fort Collins are not quite clear.

‡ Twenty-five hundred signatures required for nomination of mayoralty candidates.

‖ Commission city manager plan.

(c) *The voter's second and other choices where no candidate secures a majority of first choices.* Frequently no candidate receives a majority of first choice votes and the man elected by a plurality is often unsatisfactory to a majority of the voters, whose first choice votes were divided among two or more candidates, but who would unite on one man if allowed other choices.

(d) *The voter's ease of choice due to a single election.* The double election system found in direct primary states ordinarily means the selection or nomination by a minority of a partisan minority, by a mere plurality of the perhaps twenty-five per cent of the voters who attend the primaries. In the southern states where one party is so strong that the primary election is ordinarily decisive, participation in the final election is small. Instead of berating the average voter for not attending two elections we should abolish the needless primary election.

Let us measure by the above four tests the three common systems of election, the convention, the direct primary, and preferential voting by expressing second and other choices as well as first.

I. **The convention system** fails utterly on all but (d) and even there does not usually permit real choosing, but merely easy ratification of the least objectionable of candidates selected by party bosses.

II. **The best direct primary or double election system** fails on (b) and (d) and is defective on the other two essentials. It is defective on (a) in that the voter's choice at the final election is limited to two candidates, both of whom are often named by minorities and are unsatisfactory to the majority. It is defective on (c) because it permits only a partial second choice and no other choices, which are often required to unite the majority on one candidate.

In 1914 Bangor, Maine (population 24,803), adopted by popular vote a commission charter providing preferential voting (with elimination of primaries and election to specific office), which is now awaiting ratification by the legislature before taking effect. Preferential voting is seriously being urged by responsible bodies in Detroit, Buffalo and numerous other cities.

A demand for the introduction of the preferential ballot into the direct primaries of New Jersey was embodied in the platform of each of the Republican, Progressive and Democratic parties in the 1913 campaign. This resulted in the substitution of the preferential ballot for the primary and second election system in the commission governed cities of New Jersey present and future.

This New Jersey law introduces one new column headed "Third Choice" making four columns for crosses headed "First Choice," "Second Choice," "Third Choice," and "Other Choices," respectively.

In 1911, a commission form charter for Cambridge, Massachusetts, including the Bucklin system, abolishing primaries, passed a Republican legislature, was signed by a Democratic governor, and failed of adoption by the people at that early date, when an almost unheard of novelty, by only 788 votes in a total of over 11,300 votes cast on it.

L. J. JOHNSON.

III. Preferential voting meets all these four essentials and is as far superior to the best direct primary plan as that is to the discredited convention system. It gives the voters the widest choice of candidates through its ease and independence of nomination by a small petition and its freedom from party obligations and from the large expense of two elections. Candidates are not subjected to vituperation by rival candidates or their friends, lest possible second and other choice votes be alienated by abuse of the first choice candidate of these voters.

By this simple means of expressing first, second and other choices, the voters easily and cheaply at a single election always give the office to the candidate satisfactory to the largest number of voters. This was illustrated in the first election in Grand Junction, Colorado, where a bad machine candidate led as first choice for mayor with 603 votes and would have been elected under the old system, though he was unsatisfactory to 1,155 voters who were divided among four good candidates. But as 603 votes were less than a majority of the 1,799 votes cast, the second choice votes were added in, which though it frequently gives some candidate a majority, did not in this case. Therefore the other choices were added, which united 1,051 of the above 1,155 voters on one good man and elected him.

By filing a small petition the candidate's name is placed alphabetically on the ballot without party designation. From the names so nominated the voter marks in column (1) his first choice, in column (2) his second choice and in column (3) his other choices, where he may vote for every candidate whom he wishes to support. This enables any voter to place every other candidate on the list one vote ahead of the one or more candidates he particularly opposes. Frequently the voter cares more to prevent the election of a certain bad man than to choose among several opponents, any one of whom would be satisfactory. This system permits voting for all desirable candidates and against all undesirable. It records the voter's will on all candidates and is the only system that does not compel him to vote against all candidates but one.

Preferential voting is so simple that no voter need have any difficulty in its use, even with our present long ballot. The fact that it takes a little longer for the tellers to count the votes is of no importance. Besides voting machines could readily be adapted to its use.

Preferential voting tried out in several western states and cities with a population aggregating many millions, is gaining ground even faster than the commission charter movement. It has recently been adopted by Cleveland, Denver, Portland, Oregon, Duluth and Jersey City.

If a double election is considered necessary for state and national offices in order to give more importance to national parties, the preferential plan should be used to select each party's candidate at the pri-

maries. It ought not to be long before it will be generally recognized that preferential voting in a single election permits sufficient weight to be given to parties even in filling state and national offices.[2]

MELVIN P. PORTER.[3]

BALTIMORE'S ANTI-NOISE CRUSADE

IN OCTOBER, 1912, the Baltimore City Medical Society began a war upon unnecessary noise by the appointment of an anti-noise committee, which, through the press, solicited complaints from the public, and, by special cards, from the patients in the hospitals. It soon had a complete inventory of all the noises made in Baltimore. Through the courtesy of Dr. Horace E. Flack, head of the department of legislative reference, it was put in possession of the anti-noise laws of our own and all the other large cities of the United States and Europe.

It then drew up some ordinances based upon Baltimore's needs. One of these, an anti-steam whistle ordinance, is now in the committee on health of the city council and was given a hearing on May 18. A feature of the hearing was the appearance of several factory owners, who are willing to stop their steam whistles, but want the rule made general. No whistle-blower has yet objected to the ordinance and a number have already abandoned their whistles. It will doubtless soon become a law, and then other measures will be introduced.

While progress along the line of new legislation has dragged, yet along another line the committee has met with wonderful success; *i. e., in the enforcement of existing laws against noise.*

Baltimore has few laws that may be invoked against noise, but, thanks to the coöperation of our police commissioners, they are being enforced

[2] In the January issue of the NATIONAL MUNICIPAL REVIEW[4] Professor Lewis J. Johnson enumerates the following cities as now using preferential voting: Grand Junction, Colorado; Spokane, Washington; Pueblo, Colorado; New Iberia, Louisiana; Duluth, Minnesota; Denver, Colorado; Colorado Springs, Colorado; Portland, Oregon; Nashua, New Hampshire; Cleveland, Ohio; Fort Collins, Colorado; La Grande, Oregon. The following cities are to be added to the list: Cadillac, Michigan; St. Petersburg, Florida; Lethbridge, Alberta. By virtue of the act of assembly passed by the New Jersey legislature on April 7, all commission-governed cities in New Jersey that have already adopted that form and that may adopt that form in the future will come under the preferential system. Therefore the following named New Jersey cities are to be added to the list: Atlantic City, Beverly, Bordentown, Deal Beach, Haddonfield, Hawthorne, Jersey City, Long Branch, Longport, Margate City, Millville, Nutley, Ocean City, Orange, Passaic, Phillipsburg, Ridgewood, Ridgefield Park, Sea Isle City, Trenton, Union, Vineland, Wallington, Wildwood.

[3] Secretary-treasurer Buffalo Municipal League.

[4] Vol. III, page 87.

up to their limit and the anti-noise movement has been put upon a permanent working basis where every day some specific noise is abated and many potential noises averted.

Our hospital zone law is a most excellent one, but was giving only a fraction of the relief anticipated because our hospitals are numerous and widely scattered and the various policemen covering the zones on their beats were indifferently posted in the provisions of the law and even the hospital superintendents did not know their rights under it.

The committee asked the police commissioners to appoint a special policeman to put the hospital zone law into full operation. This was granted and the next day Maurice E. Pease was appointed as the first anti-noise officer in Baltimore, and, so far as can be learned, the first in the world or in the history of the world. The selection was most fortunate for Officer Pease has gone about this pioneer work with zeal and intelligence and has often sacrificed his own sleep in order to catch early and late offenders against the sleep and rest of others. He has put new life into the hospital zone law, and has found its provisions more comprehensive than even its authors had conceived. He, at first, spent a week or two about each hospital, eradicating the more or less permanent noises and is now constantly in touch with them and promptly stops all new noises.

His first two weeks were devoted to the Union Protestant Infirmary, one of our largest hospitals. Here are the conditions which prevailed: The superintendent wrote:

> Hucksters worry us by their cries during the day and frequently late at night—on Saturday as late as 11 P. M. Roosters and hens, dogs and cats, make life miserable and cause wakeful nights for the patients. Boys on the school steps across the street must frequently be asked to be quiet. Children from a nearby colored school are noisy as they pass. Only a few nights ago a mechanical piano played loudly until 11.30 o'clock. This is indeed a noisy neighborhood.

Cards were distributed to the patients in this hospital, upon which to register their complaints against noise. Here is a list of complaints in the order of their frequency:

Crowing roosters and cackling hens.
Cats and dogs.
Hucksters.
Noisy school children, black and white.
Negroes quarreling in the alley.
Noisy play of negro children.
Negroes singing until after midnight.
Milk and baker wagons in the early morning.
Street pianos.
Playing on tuneless pianos.
Screechy graphophones.
Roller skating.

Car bells.
Car wheels screeching on curves.
Reckless driving of wagons.
Noise at mail boxes.
Newsboys.

This list was given to Officer Pease who dealt with it so systematically and thoroughly that in two weeks' time the superintendent had not a complaint to make. He had temporarily, at least, "cleaned up" a hospital zone and without making a single arrest.

Here is an abstract of his first seven days' work:

September 27, 1913. At 5.50 A. M. a water sprinkler of the United railways rang its bell in the hospital zone. The superintendent of the McMechen street line promised that it would not occur again.

The screeching of car wheels on curves reported to the same superintendent, who ordered the curves greased four times instead of twice daily.

A baker warned that unnecessary noise was made in the early morning in loading his bread wagon. He promised to prevent it in the future.

Father McKenna, of the School of the Immaculate Conception, promised to warn his pupils not to shout in the hospital zone.

A fish huckster, found calling his wares at 9.15 P. M. Was warned that he was violating the law, promised thereafter to respect the zone and to tell other hucksters about it.

September 28, 1913. At 5 A. M. three roosters were located and their owners promised to get rid of them. At 5.30 A. M. a cat fight was in progress on the hospital fence. The cats belonged to Florence Gassaway, colored, who was the owner of six. She donated five to Officer Pease.

September 29, 1913. At 4.15 A. M. the driver of a baker wagon slammed the lid of a bread box at a grocery store and then drove noisily past the hospital. He promised not to do any more slamming and to drive more carefully.

October 1, 1913. Arranged with the owners of twenty-four cats to keep them in their homes and deliver them to the Society for the Prevention of Cruelty to Animals at nine o'clock the next day.

October 2, 1913. Several newsboys warned. The agent for whom the boys were working promised to put up a sign in his store warning them to respect the hospital zone.

The principal of the colored school near the hospital promised to visit every classroom and tell the children to make no noise while passing the hospital.

October 2, 1913. A scissors grinder warned.

October 3, 1913. The superintendent of the McMechen street car line promised to punish some employees for unnecessary ringing of car bells.

The superintendent of the Pennsylvania avenue line did the same.

A "rags-bones" man warned.

October 4, 1913. A fish huckster and a "rags-bones" man warned.[1]

His task at Mercy hospital, which is in the heart of the business section, seemed almost hopeless, but his success was so notable that the superin-

tendent, Sister Carmelita, has expressed her gratitude by inviting him, if he is ever sick, to occupy their best room free of charge.

One day a police captain went to Mercy as a patient. As so often happens, he became supersensitive to sound and the car noises drove him nearly frantic. Officer Pease was sent for and after taking in the situation hied himself to the telephone and invited the superintendents of two of the car lines to come to the hospital on urgent business. They spent a few minutes in the captain's room and then made for the street—one going north to Pleasant street, and the other south to Lexington where they stopped every car going in either direction and warned the motorman never again to ring a bell in the hospital zone and never to pass the hospital at greater than half speed. This regulation was later promulgated by the United railways for every hospital zone in the city, and is being rigidly enforced.

The railway curves at Pleasant and Calvert streets were ordered greased more frequently and this order has also been extended to all curves in hospital zones.

The whole attitude of the United railways toward securing quiet for the sick in hospitals deserves the highest commendation.

The owners of ten heavy wagons, which are used to haul scenery from the theatres to Calvert station in the early morning, cheerfully consented to use a parallel street away from the hospital; and other heavy traffic has been similarly diverted.

City Engineer McCay promised to stop all noises in a city garage nearby and not to allow steam rollers to pass through this or any hospital zone in early morning hours.

Fire Chief Emerich promised that fire gongs would not be sounded in this or other hospital zones.

Postmaster Swann promised to give his personal attention to any complaint of noisy driving or calling by mail wagon drivers.

The owners of *every* auto truck in the city were visited and all willingly ordered their chauffeurs never to go through a hospital zone if any other way were feasible.

Horses wearing bells were not allowed to pass through the zones and this has led to a very general discarding of bells on harness.

Baltimore has no specific law regulating the keeping of fowls. At the suggestion of the anti-noise committee, the police board took the attitude that the rooster in the built-up portions of the city is a nuisance under the common law. Since then every rooster complaint received by the police department has been followed by the death or banishment of the bird. Probably 1,000 roosters have already gone. Officer Pease not only cites the law but tells the owner that upon scientific and economic grounds it is wise to part with the rooster as the hens lay as many eggs without the male, and they keep longer.

On four occasions he has addressed all the classes in large public schools located near hospitals, on the propriety of observing silence when passing our hospitals.

Here is an incident which illustrates the hearty way in which the noise makers have coöperated with our anti-noise officer when the nature of their offences was shown them: Mr. Max Carton, headworker of the Jewish Educational Alliance, acted as spokesman for a number of foreign families whose sleep was disturbed by machinery in a factory. The general manager of the factory, L. H. Windholz, at once telegraphed for $200 worth of noiseless raw hide gears to replace the metal ones and thanked Officer Pease for calling his attention to the matter.

Every few days some incident connected with the anti-noise officer's work appears in our papers and serves to keep anti-noise sentiment constantly awake.

William T. Watson, M.D.[1]

[1] Chairman of the Anti-Noise Committee of the City Medical Society.

NOTES AND EVENTS

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I. GOVERNMENT AND ADMINISTRATION

CHARTER REVISIONS

Commission Government.—*New Jersey.*[1] At this year's session of the New Jersey legislature, two important amendments to the commission government law were passed; one of them making preferential voting compulsory in all cities operating under its provisions and the other putting these cities in a separate classification. The latter was intended to give the cities a rather larger measure of self-government than they enjoy at present, but in accomplishing this end it took them out from under the control of such laws as were applicable to cities of a special class and provided a general municipal law applicable to all cities to which these laws applied. This law was declared unconstitutional on May 22, by the Supreme Court, on the ground that it was special legislation.

Commission government advocates in Newark secured the necessary 9,000 signatures to have a vote on the adoption of the commission government law. A fairly close community interest has been created among the various local civic organizations throughout the city and a form of quiet propaganda has taken the place of the large public meetings and extensive newspaper campaigning which has characterized contests in most other places. The outcome, however, is very doubtful.

Within recent weeks the neighboring town of Kearney rejected the plan by a very large majority in spite of fairly close organization and active publicity. Orange, another suburb, adopted the plan by a comfortable majority and has elected its first commission under the provisions of the preferential voting plan.

New York has finally entered the ranks of the states which permit the cities to adopt the commission plan. At the last regular session of the legislature, three important measures, having this end in view, were passed. The one of most general interest was the so-called optional city government law. Under this statute, it is now possible for any city of the second or third classes to adopt one of six simplified forms of government by special or general election. The plans are as follows:

Plan "A" is the commission form. Plan "B" is entitled in the act "limited council with elective supervision." This differs from the commission plan in that the members of the elected board do not act as the heads of departments, but appoint the latter as a group. No provision, apparently, is made for a separate administrative head, unless one of the appointed officers should be designated to act in that capacity. Plan "C" is the city manager plan, and under it there will be five members of the council in third class, and seven members in second class cities, all of whom will be elected at large. Plan "D" is designated "separate executive and legislative departments" and may be termed, for short, the "federal" plan. The governing body consists of five members elected at large in cities of more than 25,000 inhabitants and of

[1] Prepared by H. S. Gilbertson, executive secretary, National Short Ballot Organization.

three in cities of less than that number. The mayor exercises the executive and administrative powers, including the power veto and the power to appoint all officers of the city. Plan "E" is the same as "D" except that the council consists of nine persons. Plan "F" is the same as plan "D" except that the council consists of as many members as there are wards of the city and one councilman would be elected from each ward. Plan "G" permits cities of the third class to adopt the existing second class cities law.

The Olean Charter. The same session passed the Olean charter, in many ways the most radical of any charter in any eastern state. This law provides for the city manager plan with the initiative, referendum and preferential voting. The recall was originally incorporated but was cut out at the demand of the Senate.

St. Louis. In the last issue of the NATIONAL MUNICIPAL REVIEW (page 375), an account was given of what would probably be the important features of the St. Louis charter. The completed document embodies practically all of the items mentioned. The governing body of the city is to be composed of twenty-eight members, one from each of the wards of the city, but elected by the voters of the city. As soon as the constitution can be altered, these members will be selected by the voters of the wards. In addition to the mayor and the members of the council, the president of the board of aldermen and the comptroller are to be elected. Under the referendum, ordinances may be submitted to the people on petition of seven per cent of the registered voters. Under the initiative, ordinances may be submitted at a regular election on petition of seven, or at a special election on petition of fifteen per cent of the voters. No ordinance adopted under the initiative may be amended or repealed by the board of aldermen, except by a vote of two-thirds of all its members, nor within one year of its adoption.

The board of estimate and apportionment, consisting of the mayor, comptroller and president of the board of aldermen, is to prepare and submit the budget to the board of aldermen, which body may reduce but may not increase any item.

An "efficiency board," composed of three members, is to be appointed by the mayor for overlapping terms of three years. The charter enumerates the classes of officers in the unclassified service, and provides that all unenumerated officers are to be included in the classified service, except that the board, by unanimous vote, may include positions requiring exceptional scientific, mechanical, professional, or educational qualifications in the unclassified service.

The franchise provisions seem to be progressive—at least in the respect that they permit the city at the end of ten years after the beginning of operation under the franchise, and at the end of every five year period, thereafter, to acquire the plant and the property under the terms specified in the franchise ordinance. The effectiveness of this provision of the charter naturally depends very largely upon the character of the board of aldermen. This body, however, is not given an absolutely free hand in all public service matters, inasmuch as it cannot act upon the granting of a franchise until a report upon the same is made by the board of public service. The board of aldermen is given power to regulate charges for service.

On the whole, the proposed charter seems to measure up in matters of form, to high standards of charter making. There is comparatively little of the unnecessary detail of administrative procedure which impairs the value of many such documents. At the same time the charter is very much more than a mere outline of the city government, for both the principal bureaus of the departments and their divisions are enumerated and their general duties defined.

Cincinnati. The charter commission finished its labors during April and set July 14 for the referendum on the acceptance of the charter. If its work is accepted, there will be a mayor elected for a term of four years who will ap-

point all the heads of departments except that of finance, who will be selected by the council. The latter body will be composed of fifteen members elected at large. The salaries of both the mayor and councilmen will be fixed by the council. The typical form of double non-partisan elections in use in most commission-governed cities will be employed under the new charter. Recall proceedings may be instituted by five voters, who will be required to sign and swear to specific written charges. Thereupon, the officer sought to be recalled will be given ten days in which to file a written answer. If he fails to do so, he will be subject to recall on petition of twenty-five per cent of the qualified electors voting at the last municipal election. This provision in the charter will be voted upon separately.

Under the initiative, proposed ordinances may be placed before the council by a petition signed by 2,500 voters. If not passed by the council, 7,500 voters may sign a renewal petition and have the ordinance submitted to the people at the next general election, or, if signed by 15,000, at a special election.

Under the referendum, ordinances may be submitted on petition of ten per cent of the voters. Specific provision is made for seven principal administrative departments and for the principal divisions under these. Besides these are enumerated the civil service commission, public utilities commission, the board of park commissioners, the board of health, the board of hospital commissioners, the university trustees, sinking fund trustees and the city planning commission. The appointments made by the mayor of the heads of each of these departments will be subject to the approval of the civil service commission. This body will be composed, as at present, of three members appointed by the mayor for terms of six years.

Toledo, according to the latest advices, is still struggling with some of the fundamentals of charter making. The charter commission even went so far at one stage of its deliberations as to vote, seven to six, in favor of having all the heads of departments elected by the people. At a subsequent meeting, this action was reversed by a vote of seven to three, but there is still much sentiment for electing as many officers as possible.

*

Growing Interest in City Manager Plan.—*Taylor* and *Denton, Texas*, have recently been added to those having the city manager plan. Both adopted the plan in April. In Lakeland, Florida, the city managership was created by ordinance this spring under the general power over administrative organization conferred upon that town by its charter. The charter of Sandusky, Ohio, which follows the city manager plan, will be voted upon on July 28.

The largest city which has thus far seriously considered this plan is Seattle, Washington. For some time a charter revision commission has been in session there and it has recently brought forth the fruits of its activity. Unfortunately, this body wandered somewhat afield from the typical form by making provision for a separately elected mayor. Upon this officer is conferred the responsibility for what in Seattle are called the humanitarian, cultural, and general welfare departments, such as libraries, parks and playgrounds, amusements, housing, unemployment, municipal farms, etc. The city manager is given control over public works, contracts, purchases and supplies, engineering, public utilities, streets and sewers—in short, all of the physical interests of the community. The letting of contracts and the paying of all bills, payrolls, and claims is placed in the hands of a board of awards and adjustments, consisting of the city manager, the city comptroller, and the corporation counsel. Provision is also made in the proposed charter for preferential voting, which is applied not only to the popular election of city officials, but to all elections and appointments by the city council. The friends of the new charter propose to save the city forty or fifty thousand dollars a year by this method by eliminating the double election scheme provided in the charter of 1909.

Charter Revision.—*Chicago Moves.*—Under authority of a resolution adopted April 17, in the Chicago council, a permanent charter committee of thirty, consisting of fifteen members of the city council and fifteen citizens, has been appointed by Mayor Harrison. The resolution recites as the reason for a new charter the facts that

It is deemed imperative that Chicago's organic law should be so modified as to confer upon the residents of Chicago and its environs a greater degree of self government, including greater control of her public utilities, and a complete rehabilitation of her revenue laws.

Under the constitutional amendment of 1904, any charter proposed by this committee will have to be enacted as a special law by the legislature and subsequently ratified by the voters of Chicago.

Columbus, Ohio, on May 5, adopted a charter providing a modified federal type of government. The council will be composed of seven members elected at large. There will be elected a mayor, auditor and city attorney, for terms of four years. In the selection of these latter officers, a system of preferential voting will be applied, but the members of the council will be chosen by means of a non-partisan primary and a second election.

The salary of the mayor is to be $5,000, and that of the members of the council $1,000. There is to be a department of public welfare under the supervision of the director of public safety. Other more or less unique features of the charter are the provisions that all city advertising must be done in a weekly bulletin published by the city in which only official matter may be printed. Provision is also made for a public defender for persons charged with offenses in the municipal court. The charter contains provisions for the initiative, referendum and recall.

Considerable opposition to the charter developed among the Socialists, who believed that under the constitution of Ohio, which permits cities to own and operate public utilities, Columbus would ultimately take over these institutions and that the employees would thereupon come under civil service regulations and hence be prohibited from making contributions to the party treasury.

*

Boston Charter Attacked Again.—The Boston charter has been having a fight for its life. For several years Senator Martin Lomasney, who resides in the eighth ward, has been making an effort to restore the ward system and the large council in use before 1909, but hitherto without success. At this year's session of the legislature, Mr. Lomasney introduced the bill wiping out the council of nine elected at large and substituting a board of seventeen elected by districts. This was reported out of committee in the senate, but was defeated by vote of the presiding officer on April 30. A few days later, Mr. Lomasney secured a reconsideration of the bill and with the aid of senators from Taunton, Marlboro and Quincy, was able to get it passed. On June 8, Governor Walsh signed the bill, on the ground that the people of Boston should be given an opportunity to decide between the existing and proposed forms of goverment and that such an opportunity was afforded in the referendum clause of the measure.

The bill has been bitterly fought by the Charter association, and according to the Boston *Transcript*, by practically every civic and business association of the city, including the chamber of commerce, the real estate exchange and the finance commission.

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Virginia Optional Cities' Law.—By an act approved March 13, the cities of Virginia are placed in a very similar position in reference to simplified government, as those of New York state. This makes it possible for any city of less than 100,000 inhabitants (thus excluding the city of Richmond), or any town, to adopt one of three plans which are as simple as the constitution of Virginia will permit. The first plan is known as the general councilmanic plan. The second is a "modified" commission plan which, after all, is not so very much modified, and the

third, the city manager plan of the usual type. Considerable latitude is permitted under each of these systems in the method of selecting council. One difficulty under this act, which may prove serious, is the requirement that the petition for its adoption shall be signed by twenty-five per cent of the number of persons *qualified to vote* at the last regular election for municipal officers. If the friends of more than one plan are active at the same time, it would seem likely that confusion and competition might very easily defeat all efforts at reform.

*

Progress of Municipal Home Rule in Ohio.—Since the municipal home rule amendment went into effect on January 1, 1913, twenty-five cities of the state have had under consideration the proposal to frame charters for their own government. In eight of these cities, namely Amherst, Gallipolis, Ironton, Jackson, Mansfield, Marietta, Norwood, and Washington C. H., the voters rejected the proposal to elect a commission of fifteen to frame new charters. In six,—Akron, Canton, Elyria, Lorain, Salem and Youngstown, charter commissions were elected, but the charters which they framed were subsequently rejected by the people. In six others, Cleveland, Columbus, Dayton, Lakewood, Middletown and Springfield, charters have been adopted. In four others, Cincinnati, Sandusky, Ashtabula and Toledo, charter commissioners are engaged in framing, or have completed drafts of, new charters, which will be submitted to the voters for adoption or rejection.

The Cleveland charter, which was adopted on July 1, 1913, is modelled after the federal plan of government, with a council of twenty-six members elected from wards, and an elective mayor who is given complete control of the administrative functions of the city as exercised through six principal departments. The short ballot, non-partisan elections, preferential system of voting, and the merit system in appointments to offices are included.

The Lakewood charter, which was adopted on July 22, 1913, provides for a council of six members, elected at large, with full legislative powers; and an elective mayor who is vested with practically full administrative authority. The Lakewood charter copies many of the Cleveland provisions, and includes the short ballot, the merit system and non-partisan elections. This charter is neither the federal plan nor the city manager plan, but a combination of the two.

The Dayton charter, adopted on August 12, 1913, is distinctly a city manager type of charter. It provides for a commission of five citizens elected at large for terms of four years, and clothes the commission with the power to appoint a city manager upon whom is placed all administrative responsibility. The non-partisan election features are included.

The Springfield charter, which was adopted on August 26, 1913, is also a city manager charter. The city commission consists of five members elected at large, who hold office for a term of four years. The two members elected at the first election by the lowest vote hold office for the two years only. The commission appoints a city manager, who is the administrative head of the government. He has the power to appoint and remove all heads of departments and all subordinate officers and employees in conformity with the civil service provisions of the charter. Middletown is the only city in Ohio which has so far adopted the commission form of government.

Columbus, the state capital, is the last city to adopt its own charter. On May 5, by a comparatively small majority, she adopted a charter providing for a council of seven members elected at large, half of whom are elected every two years, and a mayor who is elected for a term of four years. The charter provides for the non-partisan short ballot, preferential system of voting for the election of the three administrative officers—mayor, auditor and city attorney. The preferential system is not applied to the election of members of the council.

The Cincinnati charter commission has fixed July 14 as the day for the election on the question of the adoption of its proposed charter, which provides for a council of fifteen, elected at large, for a term of four years, half of whom are elected every two years. The mayor is elected for a term of four years.

All of these charters provide for the nonpartisan short ballot, the initiative and referendum, and the merit system in appointments. In the cities of Ohio where charters have been submitted for adoption or rejection, three of them provided for the commission form of government, four for the city manager type, two for the distinctly federal form of government, and two for a combination of the federal and city manager forms.

No city in the state has thus far taken advantage of the optional forms of city government passed by the legislature and subject to adoption by any city by a majority vote of the people. The optional charters bill was framed by the Ohio municipal league, but was so radically altered in certain features, in the legislature, that no city has yet considered it advisable to follow this easy course of securing a charter. The league, at its last annual meeting, appointed a committee to revise the optional charters bill so that it would be in a more satisfactory form for adoption, especially by the smaller cities of the state.

The fear that existed in the minds of many that cities would run wild in exercising these powers of local self-government has not been well founded, for out of the twenty-five cities which have undertaken to frame their own charters, only six have thus far succeeded. What will be the result in the other four cities which now have on the charters under way is yet to be seen. It is clear from the experience from these cities that a much greater interest has been aroused in municipal affairs.

Public opinion has been developed, and the campaign in each of these cities, whether successful or unsuccessful, has resulted in the development of a more active public sentiment in favor of local self government. Municipal home rule in Ohio has come to stay.[1]

Texas Home Rule. — The so-called home rule amendment passed by the Texas legislature was approved by the Governor April 7, 1913, and became effective ninety days after the adjournment (April 1, 1913) of the Legislature. The act authorized cities having more than five thousand inhabitants, by a majority vote of the qualified electors of said cities, to adopt and amend their charters, at an election held for that purpose, subject to such limitations as were prescribed by the legislature.

There soon arose a question as to the constitutionality of the amendment. A special election (the election on the prohibition amendment, July 22, 1911) had intervened between the adoption of the joint resolution in question and the general election November 5, 1912, at which special election the amendment was not submitted, but the necessary publication thereof was made in all respects as required by the constitution, before the day of the general election. The amendment was then voted upon by the qualified electors, and was adopted by a majority, which result was ascertained from returns regularly made to the secretary of state.

It was claimed by some that because the special election (on the prohibition amendment) intervened, the submission of the amendment in question at the general election in November was unlawful. The attorney-general held that the amendment was duly and legally submitted to the electors, in compliance with the directions of the legislature, and that it was legally adopted and is a part of the constitution of the state.

He cited the following cases in support of his position; *Truehart* vs. *Addicks*, 2 Texas, 217; *Murray* vs. *The State*, 3 S. W., 105; Cooley's Constitutional Limitations, 7th Ed., 113; Words and Phrases, Vol. 3, pp. 2078–2079.[2]

[1] Prepared by Mayo Fesler, secretary of the Civic league of Cleveland.

[2] Prepared by R. M. Jameson, University of Texas.

II. FUNCTIONS.

Municipal Utilities: — *New England* trolley freight service began in 1901, when the Rhode Island company tried the experiment with a few converted horse cars. Trolley freight is now a feature on from 800 to 1,000 miles of track in Massachusetts and Rhode Island. The Bay Street Railway operates in five cities and nineteen towns in Massachusetts, and four cities and towns in Rhode Island—a total of twenty-eight; while the stations and villages served by this road and its connections number 191, of which 116 are in Massachusetts, seventy-one in Rhode Island, and four in Connecticut. Of these, seventy-three are given both freight and express service, and 118 express service only. The service provided by this railway consists of three classes:—(A) freight service, merely for the transportation of goods from one terminal or station to another, (B) the express service, which adds collection at one end and distribution at the other, and (under class B) either collection or distribution but not both. The road now has twenty 20-ton cars in operation. The freight rates are not greatly different from the corresponding railroads though service is quicker and more frequent. The express rate of fifteen cents as a minimum and sixty cents per 100 pounds for seventy miles from Boston to Newport is cheaper than the rate of express companies. An indication of the probable future of trolley freight service can be gleaned from the fact that the Bay street railway's revenue from this service, which was $123,600 in 1912, rose to $195,400 in 1913, an increase of fifty per cent.

Chicago's share from the street railway companies, under the franchise provision which gives the city fifty-five per cent of the net earnings, for the fiscal year ending January 31, 1914, was $1,855,882, the largest ever shown. The city's share for the previous year was $1,413,404. The gross income was 8.8 per cent and the net income 31.3 per cent larger than the year previous.

Chicago Telephone Bureau. The Chicago telephone bureau seems to have justified its existence as an agency whereby not only complaints can be ferreted out, but also constructive steps taken toward a virile public service. The bureau, during the first five months of its existence, with a total expenditure, including salaries, of $8,000, has adjusted 300 complaints which were not satisfactorily settled by the telephone company. These complaints included listening, line monopoly, poor service, complaints as to charges, more especially charges for moving or reinstating telephones, bell out of order, buzzing noise in telephone, listing in the directory and inability to get a telephone installed. The bureau gave attention also to the "nickle-first" as compared with the "nickel-last" service, to the basis for the company's charges for moving telephones, and more particularly to the rules and regulations issued by the company as to commercial discounts to large users.

Tramway Development in the United Kingdom. The route length of tramways and light railways in the entire United Kingdom is now, according to the annual return of tramways and light railways for 1912–13, quoted in the British Government blue book, 2,662 miles as compared with 269 miles in 1878. Of this length, 1,818 miles of line are owned by local public authorities, 1,617 are under public operation and only 201 miles are operated by private companies. The net receipts by public authorities on the traffic for the year 1912–13 amounted to $19,932,794. Of this amount, $2,649,702 was paid into the public treasuries for the relief of taxation, and $6,323,330 was applied toward the reduction of tramway debt. A deficiency was reported in the case of but four local authorities as compared with seven leasing companies. In twenty-five cases only was it necessary to seek aid from rates to meet some part of the charges for the year, such as interest and redemption of the tramway debt, and the total

aid thus received in the twenty-five cases was but $316,264. This was on a business represented by the carrying of passengers equal to seventy-one times the estimated population of the entire United Kingdom.

British Gas Companies. In the last fiscal year, municipal gas works in Scotland made 83.8 per cent of the gas produced in Scotland, while in Ireland 51.4 per cent and in England 30.6 per cent of the gas was made in public owned and operated plants.

Municipal Water Works. Despite the fact that the water rates in *Kalamazoo, Michigan,* are among the lowest in the country, the plant shows an annual net profit to the taxpayers of nearly $20,000.

Mayor Hanna, of Des Moines, in a series of articles written for the *Des Moines Capital,* points to *Omaha* and *St. Paul* as illustrations of the success of municipal ownership of waterworks. On July first a year ago, *Omaha* took over the water works at a cost of $7,000,000. During the first year of operation, the water business paid all the expenses of operation, all the interest on the vast bond issue and still had left a surplus of nearly $270,000. And this surplus was created despite rate reductions in the first eighteen months of operation of twenty-five per cent, ten per cent and thirteen and one-third per cent. *St. Paul* has a municipally operated water plant, the approximate cost of which was $6,000,000. It has been in operation thirty-three years, in twenty-two of which reductions have been made in rates. This alone has amounted to a saving to consumers of $1,400,000. In *Des Moines,* the purchase of the water works by the municipality was voted on, on March 30, with the following results: Issuance of bonds 7,535 for; 4,993 against; affirmative vote needed 8,610; proposition lost by 1,105; proposition to purchase plant, 11,362 for; 9,286 against. It is believed by the advocates of municipal ownership that the purchase of the plant was defeated because of the confusing character of the ballot. This is indicated by the fact that the vote to purchase the plant was 11,363 while the total vote on the issuance of bonds was 7,535. In other words 3,828 people who voted to purchase the plant failed to complete their ballots and vote for the bond issue. It is possible that a special election may be called on the issue.[1]

English Tramways. The board of trade recently issued its annual return of tramways. Of the 286 undertakings, 171 belong to local authorities and 115 to companies or other parties. Four local authorities and seven companies showed an excess of working expenditure over gross receipts, in the returns from the tramways, and two trackless trolley systems showed a deficiency.

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Living Costs for Cities. — *Lower food prices for cities* through more scientific farming is the purpose of the free institute of agriculture, which has been in operation in New York City throughout twenty weeks of the current year. Through this institution—the result of coöperation between the national department of agriculture, Columbia University, and the New York state department of agriculture—those who wish to go into farming will go better prepared while many others will be deterred from going. It is also hoped that, through this extension of agricultural education, abandoned or unused farm lands near the city will receive safe development.

Farmers' Market in St. Louis. The farmers near St. Louis are determined to get into the city with their own conveniences and facilities for selling directly. They allege that to date they have been fought at every step, despite the fact that the statutes of Missouri command cities of more than 300,000 to maintain a market open to producers. Such a market, however, the farmers claim they have never been able to secure in St. Louis. One of them has said: "Trying to sell farm produce to the consumer in St. Louis is like going into a battle. The farmer has first

[1] Clyde Lyndon King of the University of Pennsylvania, and editor of the volume on *The Regulation and Control of the Municipal Utilities* in the *National Municipal League Series.*

a legal battle with the established authorities, the city ordinances. Then he has to fight the commission men and hucksters, backed by the commission men. . . . It is a literal fact that the markets of St. Louis have been closed against the farmers of St. Louis County."

The farmers have organized the St. Louis farm and market bureau. The bureau plans a market to be erected at a cost of $500,000. There will be 100 wagon stalls on the ground floor at $70 a year, 150 wagon stalls at $60 a year and 200 wagon stalls at $50 a year. Each stall will be rented by a St. Louis farmer. On the second floor of the market will be offices for food companies and an auditorium which may be used for meetings, agricultural lectures, etc. The bureau will also employ a farm adviser to aid the farmers in securing a better and larger yield of produce. It is expected that a saving of thirty per cent to the producer, and twenty-five per cent to the consumer will result from the establishment of the farmers' market.

Toledo Markets. In June, 1911, due to a movement on the part of the organized women, a municipal market costing $70,000 was opened on a site conveniently and quickly reached from all parts of the city by street cars. Stall rentals vary from $25 to $50 a year. Preference in stalls was given to farmers and truck gardeners, as the idea of the market was the elimination of the middleman. As a result of this market, produce commission merchants and retail dealers found their business seriously damaged, and resorted to many retaliatory measures which greatly hindered the usefulness of the new market. These actions on the part of commission merchants led the housewives, league to request the city to turn over to them a market which could be run under their direction. This request was granted, and as a result a market is in operation which is proving a great success. No charge is made for selling space in the market, and no one who does not actually raise produce is allowed to sell within the market. Price reductions have been effected, and the success of the market has prompted the league to plan for the erection of four new municipal market houses in different sections of the city.

Retail Merchants' Week in Philadelphia. The department of public works, Philadelphia, and the University of Pennsylvania have jointly carried on (May 18–25) a series of lectures before the various business and retail merchants' associations in Philadelphia. The leading lecturers were James W. Fiske, manager of the salesmanship division of the *Dry Goods Economist* and some time lecturer at the University of Minnesota, and Herbert W. Hess and Dr. E. M. Patterson, of the Wharton school of finance and commerce. The purpose of this series was to stimulate efficiency among the outlying merchants, particularly with a view to helping along the general tendency toward decentralization in city life. The week seems to have proved conclusively that much can be done to ameliorate suburban conditions and lower living costs through efficiency in the buying and selling methods of the local retail merchants.[1]

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Accounting Notes. *Pension Funds.* The failure of city and other government officials having financial responsibility to place the pension funds of their respective communities upon a proper basis is one of the most serious defects in the field of municipal accounting. The funds, which have been examined by the New York bureau of municipal research in several cities, may be likened to the proverbial house built on the sand. They will either fall—become bankrupt and cause much suffering to widows, orphans and other dependents, or a financial burden will be placed upon the head of Mr. Taxpayer the like of which he has never before experienced. Hard as the latter will be, it is the former which makes specially culpable the failure of officials in charge

[1] Prepared by Dr. Clyde Lyndon King of the University of Pennsylvania and Chairman of the National Municipal League committee on the relation of the city to the cost of living.

of such funds to install adequate accounting methods. The New York bureau of municipal research recently submitted to the aldermanic committee on police investigation in New York a report of an unusually thorough examination into the condition of the police pension funds of that city. This report will undoubtedly be reviewed later in these pages, but meantime it should serve as a red flag of warning to other cities throughout the country to take action without delay toward placing all of their pension funds on an actuarial basis and installing modern accounting methods therefor.

To Make Uniform Accounting Uniform. State Auditor Donahey of Ohio has recently addressed to Director Harris of the United States census bureau an appeal for the establishment by congress of a uniform system of accounting by all the states. He calls attention to the fact that, although a large number of states have established bureaus which require uniform accounting by certain classes of cities, there has developed a marked variation between the several state systems. Desirable as a national law might be in requiring the same system of municipal accounting throughout the country, one encounters immediately the very practical objection of its unconstitutionality. The census bureau and the National Municipal League have labored for twelve years to attain this end by the process of education and suggestion. In fact, the establishment of the state bureaus throughout the country is a direct result of the educational campaign and field work done by the census bureau. In view of the fact, therefore, that so much of real accomplishment has been attained by these methods, there is reason to hope that the ultimate goal may be reached by a continuation thereof without the aid of a national law.

The suggestion in Mr. Dehority's letter that the heads of all the state bureaus get together in conference is, to our mind, most timely. If such a conference will get down to "brass tacks" and cut out sightseeing, banquets, oratory, etc., much may be accomplished.

The letter to Director Harris also states "that the real test of efficiency lies in comparisons of experience between all governments of the same class rather than in comparisons of the experience of a single government for one year with that of other years." With this statement we are compelled to take issue. The fact has long been recognized that much of the organization, methods, procedures, etc., were wrong in all of our cities and that most of the costs for the several departments, functions and activities thereof were excessive. Although a large number of cities are gradually improving upon this condition, even yet they are a considerable distance removed from what might be called a standard. It, therefore, logically follows that any conclusions based upon comparisons of one city with another can have but a limited value—at least, unless there is a full understanding of the many local conditions in each case. We submit that the real test lies in comparing results obtained in any given city with the results which might and should be obtained in that particular city.[1]

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Public Health Notes.[2]—Many pages would be required to chronicle three months' happenings in the great field of public health. Instead, a few notes must suffice to give some idea of the trend of health events.

Home Rule and Health was the subject of a statement given out not long ago by Dr. E. F. McCampbell, secretary of the Ohio state board of health, Columbus. It was prompted by opposition in the Ohio legislature to a bill giving the board authority to remove an incompetent local health officer and by opposition to another bill providing for state supervision of tuberculosis hospitals. Dr. McCampbell said in part:

Centralized control is needed in matters pertaining to the public health. Home rule would be dangerous. Disease does not respect political boundary lines. The

[1] Prepared by Herbert R. Sands, C. P. A., New York Bureau of Municipal Research.

[2] Prepared by M. N. Baker, president Montclair board of health.

water supply of one town is frequently polluted by the carelessness of another town in permitting refuse and sewage to enter water courses. The occurrence of infectious diseases in municipalities is quite frequently due to the fact that they have been imported from the country districts or from other municipalities.

The administration of public health work should be kept distinctly out of politics and efficient and trained men should be in charge of the work. As a matter of fact, much more would be accomplished if the state would take the major portion of the authority away from the local communities and by so doing it would be possible to place an expert sanitarian in charge of each municipality or district.

The Work of the New Commissioner of Health of New York City, Dr. S. S. Goldwater, was highly praised by Mayor Mitchel in a statement which appeared in the daily press of New York on May 17. The statement was a commendatory analysis of Doctor Goldwater's report for the first three months of 1904. Among the things commended were the following: the inauguration of a plan for the systematic periodic physical examination of the employees of the health department, a plan which Mayor Mitchel says "the city might well adopt for the protection of the health of all its employees," and which Doctor Goldwater intends to advocate for adoption by large employers throughout the city; a model plan for the promotion of employees of the health department; a new plan for the control of whooping cough; a proposal for a bureau of public health education.

Coöperation with the Division of Health of the department of public welfare of Dayton, Ohio, is a feature of the work of the bureau of municipal research of that city, which recently published a vest-pocket folder for the division of health. The folder had the title, "Again—the July Hump," meaning the summer rise in infant mortality. A third of the folder is devoted to fly reduction, and only sixteen words to clean milk, while nothing whatever is said about some of the most important factors in saving the lives of babies. It may be, however, that there are good reasons for giving what seems to be disproportionate space to flies in this particular folder. That there is opportunity for well-directed health work in Dayton is indicated by the statement that "Dayton's death-rate has stood still for ten years" 14.8 per 1,000 population in both 1902 and 1912. The case is really worse than this, according to figures just published by the United States bureau of the census. These show an average death-rate of 15.1 for the five years 1901–05, and 16.0 for the year 1913, an increase of six per cent. Although bold statements of crude death-rates are likely to be misleading, there does seem to be good reason for the health division and the bureau of municipal research of Dayton to make a vigorous appeal to the public to aid in measures which will improve the public health and reduce the death-rate of that city.

Clean-up Weeks are reported from all over the country, including such different cities as New York, Trenton, Missouri, and Dallas, Texas. Such campaigns are good in many ways but it should be more generally understood that a large part of the energy and money spent in urging people to get together miscellaneous rubbish, and in hauling it away, has no direct effect upon the public health. Real health-protective work is an every-day-in-the-year campaign, and cannot be saved up for a balmy week in spring or early summer—like the annual sheep shearing and the traditional attendant annual hair cut of backwoods hilltop farmers.

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American Housing Notes. Eighteen laws and ordinances dealing with housing have been passed by American states and cities during the past year. *The Fourth National Housing Conference* is to be held in Minneapolis, October 21–24. During the year state housing conferences have been held in Indiana, Massachusetts, New Jersey and Pennsylvania. The number of *dark rooms* in Brooklyn, has been reduced from 192,573 in 1909 to 8,016 on March 1, 1914. The number of *windowless rooms* has been reduced from 58,554 in 1909 to 501 on April 1, 1914. In a housing exhibit

at the Chicago City Club, a year or two ago, was a placard stating that in Chicago 47.10 per cent of the dwellings were one-family houses, 30.6 per cent were two-family houses 12.3 per cent were three-family houses and only 8.5 per cent contained four or more families. This statement is now supplemented by one from the health department to the effect that of 9,788 dwellings erected in Chicago during 1913, 77.43 per cent were designed to accommodate not more than two families and that 96.30 per cent were provided with bathtubs.

Through the exercise of its power of *excess condemnation*, Cleveland recently in acquiring a strip of land to connect two parks also secured some ninety-three acres of land on either side. This, it is now proposed, shall be utilized as the site for a municipal housing experiment. Twenty-one towns in Massachusetts have adopted the *state tenement house law* for towns. This law practically prohibits the erection of wooden three deckers and in that way encourages the erection of one- and two-family houses. The Toronto trades and labor council has petitioned the city government to seek authorization from the provincial legislature to undertake a municipal housing scheme.[1]

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European Housing Notes.—Several members of the American housing association are going to England this summer to study various phases of English housing work. They will spend a week with *an international party*, organized by the British garden cities and town planning association, visiting garden suburbs and villages, municipal housing developments, and private operations in and near London, Birmingham and Liverpool. At the annual meeting of the *Hampstead Tenants Limited*, it was reported that the demand for houses was even greater than last year and that there is a considerable waiting list of applicants for any house which may become vacant. The year's revenue from rents was £9,363, the profit, £1,955. After paying the five per cent dividend on share capital there was a balance of £683 of which £68 was appropriated for the education and social fund and one shilling on the pound was voted to tenant investors, the balance being carried forward. The reduction in the tax rates represented an annual saving to the tenants of $728.

In a memorandum recently issued by the local government board as a guide to local authorities in their supervision of *house building* schemes occurs this statement: "The type of dwelling which may perhaps be regarded as the most suitable in ordinary circumstances is the self-contained house (single family house). This type is generally more popular than the tenement dwelling contained in large blocks, and has advantages in respect of health and comfort which are not shared by the latter. Occasionally there may be a demand for accommodation of a limited character, *e. g.*, accommodation for newly married couples or for aged persons without a family, and in such cases it may be desirable to meet the demand by the provision of two-story houses consisting of two self-contained dwellings (two family houses); but, generally, it would seem desirable to avoid, where practicable, the erection of blocks of buildings containing a series of tenements." At the national housing conferences in America this policy has been consistently advocated.

Despite the tremendous efforts made in Great Britain, for a generation past, to improve housing conditions, it is claimed that the British Isles today contain *one of the worst housed populations* in the world, that of the old city of Dublin. Before the close of the great strike, which a few months ago attracted international notice, some one called attention to the dwellings in which the strikers lived. The local government board held a hearing at which the mayor testified that in Mountjoy Ward alone there are 2,600 families who have only one room each and 1,145 who have only two rooms, while but 535 have three rooms and 543 have four rooms. The worst conditions in Dublin, as in many American cities, are found in the old converted houses, one time dwellings of the

[1] See Article of John Ihlder, Vol. III, page 484.

wealthy, now warrens of the poor. These houses are rented a room to a family but no toilet conveniences or water supply are provided. To add to the degradation many of these one-room families take in lodgers to eke out their rent, which in many cases is divided amoung four landlords before the final division with an absentee who holds title to the soil but has had no part in building or in managing the estate.

The mayor, according to the *Municipal Journal* (London) claimed that if they had 10,000 cottages "it would enable them to take the owners of the worst tenements by the throat and squeeze them out of existence."

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Practical Tenement House Department Work.—The death-rate in New York City is now the lowest that it has ever been. Several causes have tended to bring about this desirable condition. Among these causes there can be no question that the careful and systematic attention now being given to sanitary conditions by the various city departments charged with the supervision of such conditions should occupy the most prominent place. In this connection the tenement house department has recently instituted a new procedure which is of interest. The department obtains from the board of health a record of all deaths and cases of contagious or infectious diseases occurring in tenement houses.

While it cannot be maintained that all forms of contagious diseases are directly chargeable to bad plumbing or to the sanitary conditions, and while it can rarely be proved that in any particular case the contagious or infectious disease arises from the condition of the house, it is a well known fact that there is a distinct relation between such conditions and contagious and infectious diseases in general.

The department, therefore, is giving special attention to houses in which it appears from the board of health records that there have been an unusual number of deaths or cases of contagious or infectious diseases.

Whenever the health records show that three or more deaths or cases of recorded diseases have occurred in a tenement house during the month, or that five or more such cases have occurred during the two previous months, a special inspection of the tenement house is ordered forthwith so as to ascertain whether there are any plumbing or sanitary defects existing at the premises. If any such defects are found, orders are immediately issued, together with a special communication to the owner calling his attention to the health record and to the defects.

In most instances the owners have shown a greater spirit of coöperation and compliance than had been expected by the department, and it is believed that this procedure will accomplish much in obtaining prompt compliance with the department's orders in such cases.[1]

Local Bodies and Housing in England. Since the passage of the act of 1909, loans to the amount of one and three quarter millions sterling have been authorized, provision thus being made for the erection of some 7,700 new houses by local bodies. Landlords have been notified to make houses suitable for habitation in more than 114,000 cases, and no less than 129,000 houses have been thus improved. The board has authorized forty-seven local authorities to prepare or adopt schemes, and fourteen local bodies have applied for the authority to prepare. Preliminary notices have been sent out by seventeen authorities, and the question is under consideration in 119 other cases.

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City Planning Notes.—*Chicago.* In the annual report of the Chicago plan commission (Charles H. Wacker, chairman) this significant phrase occurs: "If there are among our members any who feel downhearted or pessimistic because of reverses, your chairman would urge a moment of thoughtfulness. Chicago was not built in a fortnight. The ills of the city which the plan of Chicago is designed

[1] John J. Murphy, Commissioner, Tenement House Department.

to cure are no mere blots upon its surface. They are organic troubles, deep-seated, and with their origin buried in their past. Their cure is not a matter of miracles, but of long, thoughtful, studious and scientific treatment. Our laws are in many respects inadequate to accomplish our purpose. Great cities cannot act in freedom while fettered by statutes enacted for the narrow control of villages."

Boston has a city planning board, the members of which are Ralph Adams Cram, John J. Walsh, Emily Greene Balch, Henry Abrahams, and William C. Ewing. Its duty is to make careful studies of the resources, possibilities and needs of Boston, particularly with respect to conditions which may be injurious to the public health and to make plans for the development of the municipality, with special reference to the proper housing of its people. The secretary of the board is Miss Elizabeth M. Hurlihy.

Birmingham, Alabama. Warren H. Manning has been retained by the Birmingham City commission, of which George B. Ward is mayor, to prepare a city plan and generally to improve the physical appearance of the city. Mr. Manning was told on the occasion of his first visit to the city early in 1914 that Birmingham was a very new city and that the people had come there from all parts of the country because there was an opportunity to invest capital to advantage and to establish business enterprises, and that there was as yet no marked evidence of public spirit and little disposition for people to work together in groups or as a whole in the interests of the city. It was intimated from numerous sources that his plan to secure the interest of every man, woman and child in the improvement of the city and in the city plan, was wholly impracticable. Feeling that this was hardly a correct statement of the situation, Mr. Manning secured the coöperation of a number of leading citizens and through them of various organizations and of the newspapers, and then he proceeded to have organized a series of city beautiful clubs covering every section of the city. These various bodies and individuals are coöperating with the city commission and the result has been not only the organization of the city along definite lines of coöperation in a way that has never heretofore been effected, but also a marked and immediate improvement due to the utilization of the seeds and plants which are being furnished.

International Exchange of City Planners. In a recent issue, *The Survey* points out a very interesting feature of the city planning movement in the way of the exchange of leaders. America has recently entertained Dr. Werner Hegeman of Germany, Henry Vivian, M. P., and Ewart G. Culpin of England. Australia chose in an open competition Walter Burley Griffin of Chicago to plan its proposed capital of Camberra.[1] At the invitation of Lady Aberdeen, Dr. John Nolen, a member of the advisory editorial board of the NATIONAL MUNICIPAL REVIEW was invited to participate in the replanning of Dublin and in the organization of a civic exhibition as a basis for a civic revival in Ireland. Thomas H. Mawson, a special lecturer in landscape design at the University of Liverpool, has been selected on the personal recommendation of the King and Queen of Greece to prepare plans for the extension and remodeling of Athens. Mr. Mawson spoke at the Richmond meeting of the National Municipal League in 1911, his address on "Civic Surveys" being published in the NATIONAL MUNICIPAL REVIEW.[2] Professor Patrick Geddes of Great Britain is shortly to make a town planning tour of India, in the words of *The Survey*, "as a disciple of the newest of civic movements to some of the most ancient cities of the world."

A Civic Exhibition in Ireland will be held in Dublin under the presidency of the Lord Lieutenant of Ireland and her excellency, the Countess of Aberdeen. In connection with this exhibition there will be a

[1] See NATIONAL MUNICIPAL REVIEW, Vol. 1, page 718.

[2] See Volume I, page 195.

competition for a premium of five hundred pounds offered by Lord Aberdeen, for the best design of a plan for the improvement and extension of Dublin. The conditions of the competition have been set forth in an elaborate statement which can be had of the secretary, Eric Kaye-Parry, Esq. (Line Hall Buildings, Dublin.)

Canada. The first draft of a town planning act prepared by a committee on town planning and housing legislation appointed by the commission of conservation at Ottawa, Canada, in 1914, has been published. The committee consists of Col. Jeffrey H. Burland, Montreal; chairman, G. Frank Beer, Toronto; Noulan Cauchon, Ottawa; F. H. Gisborne, Ottawa; Dr. Charles A. Hodgetts, Ottawa; J. P. Hynes, Toronto; M. J. Patton, Toronto, secretary.

As now drafted, the bill provides for the preparing and carrying out of town planning projects by a local board in each city or town, subject to the approval of a central town planning board for the whole province. Projects will apply chiefly to land likely to be used for building purpcses, but may, in certain circumstances, include land already built upon or land unsuitable for building. Provision is made for compensation of private owners if injuriously affected and for the local authority recovering half of the unearned increment if property values are increased. The Central Board may act on its own intiative if the local board fails to do its duty or if no local board exists.

Under such an act, the growth of every town will be regulated so that streets may be of adequate width and in accord with the general plan of the town; housing congestion will not be permitted; sufficient open spaces will be reserved for parks, squares, and other municipal purposes; and health, amenity and convenience will be given due consideration in all new building areas and, so far as possible, in old ones.

Building Districts and Restrictions. A commission on building districts and restrictions has been appointed by the New York board of estimate and apportionment to investigate the entire subject of the regulation of the height and location of buildings and to suggest to the board an appropriate method of districting the city for this purpose.

A British Town Planning Institute. Experts in town planning and civic design have recently formed a town planning institute. Municipal representatives, architects, and surveyors are included in the membership. The objects of the institute are "to advance the study of town planning and civic design, to promote the artistic and scientific development of towns and cities, and to secure the association of those engaged or interested in the practice of town planning." It recently held its inaugural dinner in London. Within the past four years, 200 local authorities have moved definitely in some way in the matter of town planning. Fifty of these authorities, with a population of over five million, not including London, have so far applied to the local government board for permission to prepare sixty-six schemes. Two of the schemes have been approved; three are before the board for final approval; and forty-seven have been authorized to be prepared. The rest of the 200 local authorities are in the preliminary stages of town planning. The president of the local government board expressed the belief, during the evening, that compulsory town planning, in view of the conditions at present, is neither practicable nor desirable, but that it would be wise for the board to improve and simplify the regulations.

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Municipal Reforms in Toronto, Canada.—In order to clear the way for annexation of suburban areas, the Toronto council has approved a new policy in regard to local improvement assessments. Under this policy (for which legislation will have to be secured next January), all local improvements are to be charged entirely to the properties benefited and not in part as at present (it works out about one-third) to the general ratepayers. With a view to

closing out and consolidating all street railway franchises (four in number) the city is now negotiating for buying out the present companies (all controlled by Sir William MacKenzie). Bion J. Arnold and others have just been appointed to estimate the valuation. If the purchase is made the question will arise whether the system shall be operated by a commission or be leased to a private corporation operating under supervision of the public utilities commission.

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Brooklyn Improvement of Recreation Facilities.—Under the efficient leadership of the city's new park commissioner, Raymond V. Ingersoll, who is a member of the council of the National Muncipal League, Brooklyn's park and recreation facilities are being greatly extended. Not only is there taking place a reorganization of the recreation facilities for children and others, but the shore fronts at Canarsie, Dreamland, Dyker Beach and Shore road are being improved, and an adequate policy has been established for the preservation of trees which are said to be disappearing at the rate of fifteen hundred a year. At McCarren Park, in Greenpoint, hundreds of trees have been planted about open spaces devoid of shade. Eight or ten baseball diamonds have been laid out so that the boys of the eastern district need no longer travel across Brooklyn to the parade ground for a game. A children's farm in which there will be hundreds of lots is being prepared for cultivation of vegetables by school children who will be allowed to take home the product of their labors. The Brownsville taxpayers have taken up the condition attached to the Betsy Head bequest of $180,000 to equip a recreation ground and have allowed themselves to be taxed to acquire a proper piece of land. At Dreamland the débris is rapidly being cleared off at last and the sandy beach restored to the people. At Dyker Heights, 138 acres of marsh land are being drained for a park. In Prospect Park many new things have been done, including an enlargement of the menagerie and the erection of a lookout tower. Public officials of the city realize the need of the improvements and are extending the new commissioner every assistance possible. This is especially true of the civic organizations of the city.[1]

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Ohio Cities Attentive to Citizens' Complaints.—In Springfield and Dayton arrangements have been made for systematically hearing and handling all complaints concerning city services. In Springfield, City Manager Ashburner has set one hour a week in the evening, which has become popularly known as the "kicking hour," when he is ready to meet anybody who has a complaint or a suggestion to make. In Dayton, City Manager Waite has established a complaint clerk whose duty is to receive all complaints concerning all departments of city service and see that they are properly investigated. The aim of both plans is to know the extent and seriousness of complaints made by citizens and to prepare for ready reference data as to the frequency or numbers of complaints concerning specific parts of the city service.

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Municipal Pensions.—New Jersey has authorized employees of boards of health to form a corporation for pensioning employees after twenty-five years' service. (Chapter 215, 1913.)

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Pasadena's Refuse Incinerator.—The refuse incinerator of Pasadena is notable in being located amidst exclusive hotels and residential sections without being a nuisance to the neighborhood.

[1] Prepared by Prof. Murray Gross.

III. POLITICS[1]

The New Orleans Election Snarl.—The New Orleans election of November, 1913, covered a budget of important constitutional amendments as well as a ticket of local and national officials. Shortly after the election, in which important constitutional amendments were defeated, there was a rumor of fraud in the count of votes. An investigation was begun and the findings were such as to justify the filing of informations against sixteen persons charging them with falsifying amendment returns and other frauds in connection with the election. When the offenders were arraigned, the counsel for the defendants set up that there was no law governing frauds in connection with a vote on constitutional amendments, and the supreme court of the state held that by some omission of the lawmakers it was not made a crime to falsify the count in a constitutional amendment election, and so dismissed the informations. District Attorney Luzenberg and Attorney-General Pleasant applied to the criminal court to have the board of election supervisors brought into court for the purpose of counting the ballots in the boxes in open court to see if other frauds had been committed, but judges of this court held that the court was without jurisdiction in the matter. The state then resorted to a mandamus to secure a count, and the supreme court decided the issue by ordering the boxes to be brought before the criminal court and the ballots counted. Then the clerk of the criminal court refused to do so on the ground that the law (Act 158 of 1898) provided that he should destroy the ballots in the boxes within six months after the election, or as soon thereafter as possible, and that the law provided a fine if he failed to do so, or permitted any one to see the ballots. This objection was carried to the supreme court, but was not sustained. As the case now stands the election officials are at last confronted, by a ballot count in open court.[2]

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Recent Political Events.—*Chicago.* At the municipal election on April 7, the total number of voters was 492, 290 made up of 328,443 men and 163,850 women. The vote by parties was: Democratic, 186,658; Republican, 157,425; Socialist, 39,999; Independent, 54,849; Progressive, 50,451; Prohibition, 2,911. Six Progressive and four Independent or non-partisan aldermen are likely to hold the balance of power in the city council, because of a factional fight among the Democrats. The complexion of the new council shows Democrats, 38; Republicans, 22; Progressives, 6, and Independents, 4. The complexion of the retiring body was Democrats, 44; Republicans, 21; Progressives, 3; Independents, 1.

According to the *Chicago Evening Post* Mayor Harrison's majority in the city council, which always rallied to the administration's standard, has dwindled to a minority. The majority members of the new council are Democrats, but the seats are divided between adherents of the Sullivan faction and the mayor's faction. An interesting, but as it proved an uneventful feature of the campaign was the attack by Mayor Harrison on the Municipal voters' league. He criticized their reports on aldermanic records as pharasitical, but judging by the results the people gave more credit to the league than they did to the mayor.

Milwaukee. The election of April 7 was the first under the new non-partisan law and according to local observers retired nearly all of the very objectionable aldermen who were running for re-election, and put better men in their places. Most of the useful ones were re-elected. The socialist aldermen at large, whose four years term had expired and who were originally elected by a minority of votes, were also retired. There was, however, sufficient independence shown to re-elect the socialist city attorney and one alderman at large,

[1] Except where otherwise indicated these notes were prepared by the Editor of the NATIONAL MUNICIPAL REVIEW.

[2] Prepared by Murray Gross

both of them because they were better than their adversaries. They were re-elected in part by non-socialist vote. The mayor, comptroller, and city treasurer, non-partisans, were re-elected. It was reported that the socialist ticket was defeated by 8,554 majority and that Seidel's vote was less by 9,617 than at the election of 1912. As a matter of fact the majority against Seidel two years ago was 12,977. The vote of the non-partisan anti-socialist ticket fell off 5,476, while the socialist percentage of the total increased from 41.5 to 43.5.

St. Paul. The first election under commission government had mixed results. The successful candidate for mayor, Winn Powers, was elected over Louis Nash by a decisive majority notwithstanding Powers's affiliations with the public service corporations and the old political organization. The new council is said to be a fairly representative one, but more acceptable to the public service interests, the breweries, and the big business interests of the city than to the general welfare interests, although not as a whole subservient to them. In other words to quote a local correspondent:

> The men elected are not aggressively opposed to a wide-open town, nor aggressively opposed to domination of the public service corporations in politics. The successful candidate for comptroller, W. C. Handy, is a first class man. He has already served one term in this office and has made an excellent record. In view of the importance of the office of the comptroller[1] there is prospect of very interesting developments, for under the St. Paul charter the comptroller wields a large veto influence upon the commission.
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> The new commissioners are S. A. Farnsworth, now city treasurer, a man of capacity and honesty; O. E. Keller, present assemblyman; Anthony Yoerg, described as being honest, friendly to the machine, but not easily controlled; M. N. Goss; Henry McColl; J. J. O'Leary, the present commissioner of public works, and said to be the strongest man in the new council.
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> The chief fight was centered upon W. C. Handy for comptroller and Louis Nash for mayor, and two councilmanic candidates, Hunt and Bennett. Handy had some support from old politicians since it was his third campaign. Nash is strong in politics, and had political support, but the fight upon him was so relentless that he could not withstand it. By a trick played upon Hunt, of trying to count him out in the primaries, he got pretty wide popular support, but not enough to offset the machine campaign against him.
>
> Bennett, who had been instrumental in drawing the charter and having it adopted, had the fight of all the interests centered against him. He was without organized support and was badly beaten. He was known as an uncompromising fighter for clean government with much broader technical knowledge than any other candidate. At the same time his administrative experience was very limited, so that his value as a public officer was problematical.

[1] See article on "St. Paul's Comptroller: An Interesting Experiment," NATIONAL MUNICIPAL REVIEW, Vol. II, page 268.

Des Moines. Mayor Hanna was re-elected for his third successive term as mayor of the city, thereby breaking the two term precedent. Councilman Myerly was re-elected. Of the new men Mr. Mitchell was supported by the Business men's league and J. M. Leonard, a former street car conductor, by organized labor. The fifth member of the commission, Frederick German, an expert accountant, served as city treasurer under the administration of John MacVicar. The Business men's league participating in the campaign was a genuine organization and not a name used as a mask by the disorderly element as is often the case in the central west. At the primary Councilman Myerly was the only member of the old commission to survive beside the mayor. At the last minute the Business men's association put in nomination Messrs. Mitchell and Galbraith, and after a whirlwind campaign succeeded in putting their two men at the head of the ticket. Mitchell survived at the election, and Galbraith was defeated. It is the general opinion that two of the councilmen who were candidates at the primary were defeated by the anti-Catholic element. There has not been much strife between the Protestants and Roman Catholics for some fifteen years until this year when the situation became acute and religious questions cut a larger figure than formerly.

The proposition to buy the waterworks received a majority of the votes cast for

it, but not the required statutory number. Except for the confusion of the voters, owing to the peculiar form of ballot, it is thought the proposition would have carried. The proposition to grant a franchise for a mutual automatic telephone company was lost.

Kansas City, Mo. The non-partisan commission government league ticket was defeated at the election of April 7, by a majority of 9,727. While the Republican candidate for mayor received only 1,607, the Progressive only 861, and the Socialist 649, the non-partisan ticket received 18,-687 and the Democratic 28,245. Local observers are inclined to believe that a large number of both Progressives and Republicans failed to vote the non-partisan ticket and voted the Democratic ticket rather than lose their party recognition and turn the city over to the control of the non-partisan party. An effort was made to show that the non-partisan party stood for the principles of administration of President Wilson and that the local Democracy was out of harmony with the positions he maintained. Senator Reed, however, appeared on the scene of action with a letter from Secretary Bryan stating point blank that if he were in Kansas City he would support the Democratic ticket as nominated.

Seattle, Washington. Comment has already been made[1] concerning the promises of Mayor Gill to do his utmost to give to the people of Seattle a clean and vigorous administration of city affairs. As an evidence of good faith he has appointed as chief of police, Austin E. Griffiths, who is locally known as the "father of Seattle's playgrounds," concerning whose civic activities the *Survey* has this to say: "Identified with practically every movement for social and civic progress, Mr. Griffiths is the sort of man who, in the words of one of his friends, 'would get up in the middle of the night to speak on public welfare.' An Englishman, a graduate in law at the University of Michigan, and a plain, unassuming citizen, he went to the state of Washington in 1889 and has lived in Seattle since 1897. Among his other activities he served as president of the playground association of Seattle."

I know from personal acquaintance with Mr. Griffiths of his deep devotion to all that relates to the city and its welfare. If sincerity and devotion to public interests and intelligence count for anything in the administration of the police department, then we may expect interesting and substantial results from Seattle. To quote again from the *Survey:* "Mayor Gill's action in appointing Mr. Griffiths, and his declaration that for the sake of his two boys he wants to merit the esteem of the good citizens of Seattle, have unified public sentiment and good-will."

Tacoma. At the preliminary primary A. B. Fawcett, a former mayor who was recalled in 1911, received the highest number of votes, Rev. C. F. W. Steever, the second highest, thus making these two candidates for mayor at the election held on April 21. At this Mr. Fawcett received 11,414 votes and Mr. Steever 9,394. Messrs. James Drake and C. D. Atkins were elected members of the council. At the primary the vote for Fawcett was 7,188 and for Steever 5,250; the next highest candidate, Bone, having 2,337. The proposal for a port district commission for Tacoma and Pierce county was defeated, as were also charter amendments aiming to create a two-platoon system in the fire department, to create the office of purchasing agent and an amendment aiming to give civil service employees the right to appeal to the commission in case they were discharged by the head of the office.

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Women Candidates in British Councils. Eighteen women candidates for election to the municipal councils in Great Britain are reported by the Women's local government association.

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Municipal Elections in England. At the recent municipal elections twenty labor candidates were elected over the liberal and conservative parties, but although a labor majority is thus being approached, these gains may disappear entirely next year.

[1] See Vol. III, page 398.

IV. SOCIAL AND MISCELLANEOUS

English Municipalities.[1]—*Proposal for a "Greater Sydney."* In three of the capital cities of Great Britain, schemes have recently been promulgated for the enlargement of the existing municipal boundaries and amalgamation of the local governing bodies. The "Greater Cape Town" is already an accomplished fact. A "Greater Melbourne" depends only upon the action of the Victorian parliament. There is next in line a "Greater Sydney." The New South Wales labor government is pledged to a greater Sydney, and it is of some interest to consider the proposals which have been submitted by the recent royal commission looking toward a reorganization of the municipal administration and social conditions in the city of Sydney. It is proposed to create a greater Sydney council, with different powers and functions in inner and outer zones respectively. The inner zone will comprise sixteen municipalities with an area of 25,206 acres, and a population of 340,620. The outer zone will comprise an area of 225,618 acres, and a population of 420,930. The council will exercise full municipal powers in the inner zone. In the outer zone it will exercise only general supervisory and semi-legislative functions, administration being left very largely to the local councils. Provision is made for further extensions from time to time. The council will lay down only the general lines of policy in the outer districts.

Lessons from Leeds. The recent strike of municipal workmen at Leeds, England, resulted in some remarkable revelations to the special committee which investigated the conditions. The report of the committee shows that several departments of the corporation's services were unnecessarily over-manned, and that methods of work were employed that might be superseded and improved to the advantage of the public. It is proposed that a general purpose committee of seven members be set up to deal with the labor questions of the city, and that the city's tramways manager be appointed executive officer of that committee; and further, that the city council meet once in each quarter for the transaction of the city's business. The *Manchester Guardian* remarks: "This is Americanisation of our municipal institutions with a vengeance."

Greater London Arterial Roads. Sectional conferences upon the question of arterial road communication out of London were lately begun. The reports of them are to be submitted to the local government board. The deliberations will occupy probably about twelve months. It is expected that a town plan for Greater London will be evolved.

An English Mayor "Boss." The mayor of Dartmouth is reported to have expressed his intention to "boss the show" while he is in office. He has assumed to preside at the council's committee meetings, and the town clerk has upheld the legality of the mayor's seizure of power.

Superannuation Scheme in English Cities. A basis of a bill for providing superannuation allowances to officers and servants of all municipal and local government authorities has been drafted by the National association of local government officers, and confirmed at the national council meeting in October, 1913. All officers and permanent servants of a local authority are to be entitled to superannuation after ten years' service. After a service of ten years, ten-sixtieths of salary is to be allowed, and thereafter one-sixtieth for each completed year's service, with a maximum of forty-sixtieths.

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German Municipalities.[2]—*The waterworks of Charlottenburg,* are owned and operated by a private corporation, a rather unusual situation in Germany. The city did not feel like undertaking the financial risk involved in the operation of the works. The private corporation is paying twelve per cent in dividends.

[1] Prepared by R. M. Jameson of the Bureau of Municipal Research, University of Texas.

[2] Prepared by Dr. Herman G. James, University of Texas.

The municipal gas works of Berlin yielded a net profit in 1913 of over $4,000,000. In spite of the ever increasing use of electricity for lighting purposes there was an increase in gas consumption over the previous year of more than 5,000,000 cubic meters. That this increase is not merely an absolute one, but also a relative one is shown by the fact that the per capita consumption increased by nine cubic meters.

Düsseldorf finance. The authorities of Düsseldorf have entered into an agreement with a Munich bank whereby it agrees to loan money on first mortgages on real estate in Düsseldorf and the city takes second mortgages. This is regarded as a beneficial arrangement for lightening the burden of the municipal mortgage bureau, while in creasing the possibility of credit for the property owning inhabitants.

Gifts to Berlin. As a tangible evidence of the oft mentioned German civic pride may be cited the fact that Berlin recently received a million and a quarter dollars within a few days from anonymous donors.

The Cologne academy for municipal administration offered as a short course this year a series of conferences on the question of the modern press. The matters specially considered were the training, problems and attitude of the journalist as well as the position of the press in the economic and public life of the state.

Theatre subsidies. The very serious if not destructive effect of the competition of moving picture shows on the legitimate theatre has made the question of further subsidies by municipalities for the regular drama a pressing one in German cities. In eighty German cities in which there is a theatre either owned by the city or subsidized by it, the cost to the city runs from a few hundred dollars to as high as nearly $40,000. The prospect of further increases in the necessary subventions is not reassuring.

State administrative control. That Prussian cities are not satisfied with the limitations imposed upon them by the system of state administrative supervision and control is being continually evidenced in writings and addresses of municipal officials. One of the most recent official protests comes from the chief mayor of the royal and imperial residence city, Potsdam. In his New Year's address the mayor deplores in no uncertain terms the "time-honored dependence" and the "tutelage" to which the city has been subjected by the government, and calls upon the citizenship to voice their protests against a continuation of these conditions.

Municipal indebtedness. The fact has frequently been noted that the administrative control provided in Prussia in the matter of municipal indebtedness has not resulted in preventing what seems to some extravagance and unjustified indebtedness. In recognition of this fact there has recently been instituted by the Prussian ministry of the interior an investigation into the amount of indebtedness incurred by Prussian cities, the purposes for which it has been incurred, and other statistical information which may be of value in suggesting necessary measures for the prevention of further waste along these lines.

Municipal suffrage. The council of Charlottenburg has petitioned the national assembly to do away with the political preference given to owners of buildings in the local government and to introduce the secret ballot, both of which reforms in the Prussian municipal code have been agitated for a long time in many quarters.

Berlin and the income tax. Berlin is greatly disturbed by the continuing and ever increasing exodus of large taxpayers from the city where taxes are high to the suburbs where they are relatively low. This exodus has already had an appreciable influence on the taxable resources of the city and its continuation is viewed with alarm. In 1913 alone there were forty-six taxpayers with an income of over $12,000 who moved out of the city proper and only twenty-six moved to the city. In the class of taxpayers having an income of over $6,000 up to $12,000 there was a net loss of sixty-nine and in the lower

classes an ever increasing number of emigrants to the suburbs.

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The Harvard Bureau for Research in Municipal Government is now in its third year of operation. Established in 1911 for the primary purpose of providing a workshop in which Harvard undergraduates might study municipal government from first-hand sources and materials, it has steadily kept this chief purpose in view. But the bureau has also given freely of its resources to all outside authorities, and a large number of towns, cities and their officials, civic bodies, and individuals have asked for information of all sorts. The Harvard bureau contains one of the best collections of municipal material in this country. It includes the charters, ordinances and departmental reports of practically every American city of any importance, as well as of many smaller municipalities and towns; the publications of all the important civic and reform organizations, chambers of commerce and similar bodies; the standard works and current literature on municipal government in all its phases; and a great mass of sporadic reports and pamphlets of the kind difficult to discover, extremely valuable for detailed information, and almost impossible to secure after a short lapse of time. Its materials relating to European municipal administration are particularly comprehensive.

Students in the courses on municipal government are given opportunities for practical work in detailed questions of municipal administration; they are encouraged to become thoroughly familiar with the literature of the subject; in short, the subject is studied in the only way which will ever give any one a proper grasp of it. During the past winter a great deal of work was done in gathering data for the mayor's charter commission in Cambridge. The bureau's materials are also made use of by many persons not connected with Harvard University.

As yet no publications have been issued, although a checklist of bibliographies on municipal government, prepared by Joseph Wright, the bureau's librarian, was printed in the last number of the NATIONAL MUNICIPAL REVIEW (see Vol. III, page 430). Two substantial volumes are, however, in preparation. The first of these will be a work on municipal charters, by Hon. Nathan Matthews, former mayor of Boston, who for some years has served as a lecturer on municipal government at Harvard. This volume contains a practical discussion of charter-making methods, along with the texts of charters suitable for a medium-sized city. Mr. Matthews' book is now in the press. The second publication is to be a bibliography of municipal government, which will appear, it is expected, early in 1915. This compilation will cover the whole field of municipal administration, but no attempt is being made, of course, to include all the available materials. Nothing that has been in print longer than ten or a dozen years will be included. Both of these volumes will be issued by the Harvard University Press. Others are also in the course of preparation. The idea is to print one or two substantial monographs a year, rather than to send out small bulletins at frequent intervals.[1]

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Educating Municipal Employees.— A new outlook is offered to evening education in Philadelphia to-day. Here where night classes have flourished for years, a movement has recently been set on foot to broaden and standardize the work in the different schools, and to bring it more prominently before the attention of the public.

The industrial and technical education conference, organized last fall as a section of the public education association, has carried on a campaign during the winter, to get the business men of the city in touch with representatives of the schools, in an effort to find out how the schools can help the employers in training men for their respective industries, particularly by means of evening instruction.

An important development of the conference was a meeting held last September,

[1] Alice M. Holden.

of all municipal employees in Philadelphia in the interests of advanced education. This meeting took place in the mayor's reception room in city hall, and was attended by 800 men from the various city departments. Its object was to bring to their attention the means by which they may equip themselves for positions of greater skill and higher responsibility. The opportunities now offered were presented in brief addresses by the heads of departments, and the officers of the conference, and by means of informal discussion with employees, suggestions were obtained as to the possibilities of enlarging the field so as more fully to meet their needs.

During the weeks following, private conferences were held with individuals by which advice was given to each man as to his own particular needs, and as a result 152 men in the departments of works and safety were enrolled in night school. A similar effort to reach the employees of large manufacturing firms was made through placing posters in industrial establishments and in libraries, calling attention to the opportunities and advantages of evening instruction, and by co-operative advertising in the newspapers.[1]

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City Manager Course. The faculty of the University of Michigan has arranged for graduate work in municipal administration in the larger sense. The plan is to give the degree of master of arts or science in municipal administration. The minimum requirement will be one year of residence at the university after graduation, together with at least three months of field work, preferably with some bureau of municipal research. The degree cannot be obtained in one year unless the candidate has had an unusually large amount of undergraduate work in political science and economy and allied branches. The course will cover municipal administration in the narrow sense, municipal accounting, city planning, law courses having to do with municipal corporations, public service corporations, public investments, public health, and descriptive courses having to do with municipal engineering problems, water supply, light, sewage disposal, etc. The university trustees have been able to arrange such a course by correlation of the work in the sub-departments of political science and economics, and landscape architecture, and the departments of engineering, medicine and law.

[1] From James S. Hiatt, secretary of the Philadelphia Public Education Association.

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Educating Students in Municipal Affairs. A group of thirty special students of city problems, comprising the class in municipal government of Prof. L. S. Rowe, of the Wharton school of finance and commerce, University of Pennsylvania, visited New York on Saturday, March 21, to undertake an inspection of several of the city departments. Among the places visited were the following:—Training school for public service, bureau of municipal research; city hall, President McAneny, of the board of aldermen, spoke of the efficiency program of the board of estimate, and Dr. John Quincy Adams, of the municipal art commission, explained the work of the commission and illustrated it from the history of the oldest public building.

The students then visited the office of the public service commission at which the organization and work of the commission were fully explained by the secretary, Travis H. Whitney. This was followed by a visit to the department of health where the organization and plans of the department were explained. Dr. Josephine Baker gave a talk on the work of the bureau of child hygiene. At the luncheon which followed, addresses were delivered by Henry Bruère, chamberlain of the city of New York, Deputy Police Commissioner O'Daniel, and Deputy Commissioner Burdette Lewis, of the department of correction.

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Municipal Surveys.—The following is a list of recent surveys conducted under the auspices of the department of surveys and exhibits of the Russell Sage Foundation:

Newburgh, New York (1913). Limited investigations of social conditions. In-

vestigators: Zenas L. Potter, Franklin Zeiger, Franz Schneider, Jr., Amy Woods, Frederick W. Jenkins, Margaret F. Byington, Edward F. Brown and D. O. Decker.

Ithaca, New York (1913). Pathfinder's survey. Investigators: S. M. Harrison, F. Schneider, Jr., Z. L. Potter.

Scranton, Pennsylvania (1913). "Scranton in quick review." Investigators: S. N. Harrison, Z. L. Potter.

Atlanta (1913). Pathfinder's survey. Investigators: S. M. Harrison, Z. L. Potter, E. Schneider, Jr.

Topeka (1913). Social Survey. Investigators: S. M. Harrison, F. Schneider, Jr., Z. L. Potter, D. O. Decker, and C. M. Robinson.

Newark, New Jersey (1913). Study of municipal health department. Investigator: F. Schneider, Jr.

Old South Brooklyn District (1913). Preliminary neighborhood survey. Investigator: Mary Swain Routzahn.

Springfield, Illinois (1914). Social survey. Investigators: Francis H. McLean, Miss Florence Lattimore, Miss Caroline Bedford, Miss Margaret Bergen, Zenas L. Potter, Franz Schneider, Jr., D. Van Blarcom, Miss Annie B. Murray, Miss Mary Van Kleeck, Miss Odencrantz, D. O. Decker, Lee F. Hanmer, Clarence A. Perry, Dr. Leonard P. Ayres, R. R. Lutz, A. H. Richardson, Miss E. C. Bryner, Shelby M. Harrison, director.

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The City Planning Exhibitions.—The American City bureau of New York has done a distinct service to the country in getting up two travelling exhibitions of American and foreign city planning. The material for the exhibitions was collected during the fall of 1913 under the auspices of a committee of the Board of estimate and apportionment of New York City. Invitations to contribute exhibit material were sent to American city officials everywhere and to all the prominent city planners of the country. These invitations were followed up by correspondence and personal solicitation. Through the department of state, instructions were given to American consuls in European cities to get together foreign city planning material. Large numbers of maps, charts, drawings, photographs and so forth were received, and tentatively arranged for exhibition in the New York Public Library during the last week in November and the first two weeks in December. Even after this first exhibition closed, material continued to flow in.

After several weeks more of work had been put on it, the exhibition was shown at the William L. Dickinson High School, Jersey City, in January, 1914. During February the exhibition was rearranged and permanently mounted on 154 panels, thirty-one by sixty-three inches in size, with supplementary maps and placards to fill up extra wall space that might be available. After the first exhibition was well under way, the widespread interest manifested made it apparent that a second exhibition more suitable to the needs and finances of the smaller cities would be needed. The wealth of material collected in excess of what could be used for the first exhibition made the preparation of another one comparatively easy. This second exhibition, as completed, covered ninety-six panels and likewise included supplementary maps and placards. The chief differences between the two exhibitions were, first, in their size, and, second, in the fact that in number two most of the material relating to the great cities of the world was replaced by material from cities of less than 100,000 population.

The large exhibition, since it was put into permanent form, has already been shown in Oakland, San Francisco, Los Angeles and Toronto, and the smaller one has been shown at Madison, Wisconsin.

The characteristic feature of these exhibitions is the analysis and unfolding of the entire subject of city planning on a series of thirteen introductory panels, and the arrangement of material in the body of the exhibition according to the plan outlined in the introduction. The first panel contains instructions to visitors, and the second panel is devoted to a discussion of "What City Planning

Means." The analysis then takes up in broad outline eleven subdivisions, problems or steps in the development of an ideal city plan.

These subdivisions, and the number of panels devoted to each one of them in the two exhibitions, are as follows:

Subdivision	*No. of Panels in Exhibition No. 1*	*No. of Panels in Exhibition No. 2*
1. The site, including problems of topography, growth, etc.	6	6
2. Communication with the outside world, including waterways, main roads and railroads	11	6
3. Sanitation and health, including water supply, sewerage, disposal of wastes and prevention of epidemics	11	6
4. Guarding against disaster, including fire, flood, earthquake, tidal wave, etc.	6	6
5. Public convenience, including streets, transit, public buildings, traffic squares, civic center groups, etc.	42	28
6. Recreation, education, culture, including parks, boulevards, recreation centres, libraries, municipal theatres, schools, etc.	23	13
7. Encouragement of industry, including expositions, factory sites, railroad facilities, power, industrial villages, etc.	13	4
8. Suburban development, including residential subdivisions, garden cities, etc.	13	10
9. Public control of private activity, including housing, building zones, regulation of heights of buildings, city planning legislation, etc.	13	4
10. City planning procedure, including surveys, comprehensive plans, etc.	11	8
11. Financial aspects of city planning including special assessments, excess condemnation, etc.	3	3

Concerning this exhibit Dr. Delos F. Wilcox writes:—"In February and early March, I had the job of finally organizing the material for permanent mounting. It was rush work even then. Contracts had already been made for Oakland and Madison, Wisconsin, and my job showed no respect for nights, Sundays or holidays. I was a good deal of a novice at exhibition work and not a general city planner, but I think I never did a piece of work of equal magnitude that brought me so much joy while I was doing it. Since then, when I go on traction expeditions, I have no eye for carlines except on the basis of a city plan and the reconstruction of the streets so as to make convenient transit routes possible. To my mind, city planning, in the broad sense of that term, is the fundamental and everlasting problem of our ill-built cities. Franchise relations and vested rights in the use of the streets I call the "invisible element of city planning," but they are only a part of the whole, and the whole is greater than any of its parts. So, I take my hat off to the city planners who are big enough to know their business, and are not merely city milliners, and I bid Godspeed to the city planning exhibitions, with their lessons in civic forethought, socialized effort and organized democracy."

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Conference of Universities and Public Service. — From fifteen states came one or more representatives of thirty-five universities and forty other institutions to answer Mayor Mitchel's call for a conference on universities and public service. Harvard, Columbia, New York, Chicago, Pennsylvania, and Pittsburgh universities were represented as well as Michigan, Wisconsin, Iowa, Minnesota, Kansas, Texas and other state universities. Representatives of the Chicago school of civics and philanthropy, of the National association of corporation schools, of the United States bureau of education, and of the Northwest league of municipalities, of the Russell Sage foundation, of the Carnegie foundation for the advancement of teaching, of the National munici-

pal league were present. The chairman of the New Jersey commission on old age insurance and pensions, the director of the department of public works of Philadelphia, the head of the Dayton and New York bureaus of municipal research, and other agencies interested in good government were present.

The mayor in his opening address showed three phases of activity by means of which universities and public service may coöperate and be mutually helpful: "First, to enable the men who are in attendance at the universities to get practical knowledge of the working of the city government that will fit them to take part in it; second, to enlarge their field in the scope of their learning, to make them more efficient for their discharge of the work committed to them in the government; and, third, through the coöperative arrangement that the university itself render direct service to the government of the city in solving technical and other problems that are presented." The conference showed these public service activities were being performed by various universities throughout the country. It also revealed the fact that in many cases this was the result of the initiative of a professor or of a department. It was incidental rather than planned. It was the distinct feeling of the conference that the universities should definitely undertake such activities and plan for them.

Connections already made between universities and government has demonstrated the practicability of it. The need for such coöperation has developed in the new democratic movement in the country. Mayor Mitchel, when he issued the call for the conference, said: "In our political life, the rapid development of the commission and city manager plans of municipal government, the establishment of efficiency divisions of civil service commissions, the industrial, tax, and public utility commissions in many states, are evidence of the growth of more adequate governmental machinery. Efficient public service must recognize the need for a trained personnel if government is to become increasingly effective as an instrument of the common welfare. Seeking this trained personnel, public service must look largely to educational institutions. The institutions of learning, in turn, are grasping their new opportunities for service."

The conference took up the application of the idea of practical training for public service in connection with two types of institutions: the municipal university and the national university. New York City at the present time has two municipal colleges, one for men and one for women upon which it is spending over one million dollars a year. The New York chamber of commerce is planning to give the city $500,000 for buildings for a school of commerce and administration, this institution to be maintained by the city. It was thought advisable to discuss the problem of a municipal university with special reference to New York to make the discussion concrete. There were pointed out the tremendous opportunities of using New York City as a political science laboratory and as a social laboratory. In the light of these facts it was also pointed out the great opportunities lying before the College of the City of New York and the proposed College of Commerce. So likewise a national university might use the tremendous opportunities in the various departments and scientific institutions in Washington. The national university would need not so much buildings or funds as an office from which it could plan the assignments of students to do work under actual conditions to be supplemented by conference or seminar.

It was not possible in the foregoing resumé to make all the points that were made at the conference, but the main ones are probably included. The members of the conference, at the closing session, requested that the committee on practical training hold annual conferences on this subject. The committee would be glad to have the readers of the NATIONAL MUNICIPAL REVIEW make suggestions as to a conference for the next year.

As Mayor Mitchel pointed out, there is a world-wide movement to make education deal more consciously and more directly with social well-being. Movements are gathering momentum which will not be overcome. The *Christian Science Monitor* summed it up this way: "For while a prophetic, visionary and young man's movement now, this conference has back of it trends in the political and educational world which are not to be reversed."[1]

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Conference of Secretaries of State Leagues of Municipalities.—For several years past the National municipal league has been studying the question of how best to increase the effectiveness of the work of the state leagues of municipalities, a number of which are making very substantial contributions to the development of higher municipal standards. As a part of this study H. A. Mason, secretary of the league of California municipalities, was invited to read a paper at the Los Angeles meeting of the league. This was published in the NATIONAL MUNICIPAL REVIEW.[2] A committee of the council that was appointed to consider the whole matter pointed out that the success of the California league was due to the fact that it maintained a paid secretary who acted as a clearing house between the members of the league, who represented the league at the state capital during the sessions of the legislature, and arranged annual conferences, and moreover that the elective and administrative officials of the cities were brought together in annual conference. In fact, the committee believed that the strength of the California league was due to this latter fact, saying that in many cases leagues of municipalities are simply conferences of mayors, and the fact that mayors are continuously changing makes it difficult to establish anything of a substantial nature. So long as such leagues remain simply conferences of mayors the logical national body to give them aid is the League of American Municipalities. The latter, however, is suffering from a somewhat similar fundamental difficulty. The success of the civic secretaries' conference organized by the National municipal league led the committee to suggest that a similar conference of secretaries of state leagues of municipalities be held. Accordingly they were addressed on the subject and asked to vote for a committee to make arrangements. This correspondence resulted in the election of a committee and a second letter was sent to the secretaries reading as follows:

Some weeks ago a letter was addressed to the secretaries of the several state municipal leagues suggesting the desirability of their getting together for a conference in connection with the next annual meeting of the National municipal league in the same way that the civic secretaries have now for several years foregathered in the same connection. In this letter it was further suggested that a committee of three be appointed to arrange the details of a conference and program. Certain names were suggested and votes were requested for members of the committee. The result of this vote has been the selection of the following committee:

W. P. Capes, 105 East 22d Street, New York—chairman. Secretary of the New York association of mayors and other city officials;

Prof. Richard R. Price, University of Minnesota, Minneapolis—secretary of the League of Minnesota municipalities;

Prof. C. G. Haines, Walla Walla, Washington—secretary of the Northwest league of municipalities.

Mr. Capes was declared chairman because he received the largest number of votes, Messrs. Price and Haines were tie, receiving the next highest number.

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Meetings.—*Civil Service Commissions.* The seventh annual meeting of the National assembly of civil service commissions was held at Pueblo, Colorado, June 11–13. The principal subject for discussion was the model civil service law which has been prepared during the past year by a joint committee representing this organization and the National civil service reform league. An exhibit of pho-

[1] From Edward A. Fitzpatrick, of the University of Wisconsin and secretary of the committee of the conference.

[2] See Vol. I, page 603.

tographs, charts and literature illustrative of the work of the commissions formed an interesting feature of the meeting.

A Snow Removal Conference was held in Philadelphia, April 23, which is cited as illustrating the specialized attention that is being given to certain phases of the municipal problem. The conference was an exceedingly suggestive one to the officials who are charged with this particular work.

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Proposed Statistical Survey of British Towns.—Recently an important conference was held in London to consider the question of a statistical survey of British towns and the issuance of a volume of comparative statistics along the same lines as those followed by the municipal authorities in Paris, Berlin and Vienna. The conference was summoned by the London County Council.

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Census Municipal Statistics.—The Bureau of the census has issued an announcement to the effect that it now contemplates the continuance of the publication of its official statistics of cities having over 30,000 inhabitants, and that there will be a return to the former fiscal year ending June 30, instead of the period covered by the later reports. This change is regretted by those who use the statistics most because it delays the appearance of the statistics for the majority of the larger cities six months and thus disregards the popular wishes with reference to the subject which led to the abandonment of the practice which is now to be resumed. This change in the plans is due to the general expression of opinion by students of municipal affairs and by the publications making a specialty of publishing information relating to city progress and conditions.

*

United States Fire Loss.—According to a statement issued by the National board of fire underwriters the per capita fire loss in the United States has shown a gradual increase during the past thirty years, and is unreasonably in excess of that in European countries. For the six years from 1907 to 1912, inclusive, the fire loss in the United States averaged $210,000,000 annually, and exceeded that figure in all but two of these years; the loss in the corresponding period of ten years earlier, 1897 to 1902, averaged $148,000,000, and in none of these years exceeded $166,000,000. Between the two periods occurred the conflagrations in Baltimore and San Francisco, with losses of $50,000,000 and $350,000,000, respectively. The loss per capita in the United States in 1910 was $2.33, as against $2.10 in 1900 and $1.50 in 1880. The figures for 300 cities in the United States, having an estimated population of 20,000,000 or over, show a per capita loss in 1912 of $2.55; the per capita loss in 1912 in forty-five European cities averaged forty-nine cents, and ranged in the various countries from four cents to ninety cents. The seriousness of the conflagration danger in American cities is realized by business men generally, and the National board of fire underwriters is striving to reduce the evil by urging adequate water supply with improved systems of distribution; efficient organization and modern equipment of fire departments; and adoption of building codes providing for improved and safe methods of construction.[1]

*

The New York City Club and Popular Opera.—Under the auspices of the committee on popular opera, gratifying results have been obtained in producing opera for the people. Last fall a company was organized to give performances at popular prices at the Century opera house with the result of an attendance of over 400,000 during the season. Especially notable was the fact that seats ranging in price from twenty-five cents to one dollar were sold out for over ninety per cent of the performances and, with operas of exceptional popularity, hundreds seeking admission were turned away. In order to continue its purpose, the committee is now organizing an opera club of one hundred members to assure the financial stability of the undertaking.

[1] Prepared by Prof. Murray Gross.

The Los Angeles Civic Center League has been organized to encourage the organization of civic centers in schoolhouses of the city to give the people a public forum for a free and full discussion of all public questions and make it possible to secure efficient coöperation in getting what the people desire. The organization of the league consists of representatives from each civic club, woman's club, parent and teacher's association, improvement associations, and similar organizations of the city which desire to be represented.

⚜

The Social Service Bulletin.—In October, the public library of the District of Columbia began the publication of a social service bulletin to be issued monthly.

⚜

Prize Competitions.—*Baldwin Prize, 1914.* For the second time in the history of the Baldwin prize competition the judges have awarded the first prize to a young woman, Miss Sybel Edelweiss Loughead, who last year won the prize. Miss Loughead is a member of the senior class at Radcliffe college. Honorable mention was made of the essay of Thomas L. Dyer of Stanford University. The subject of the competition was "Is the Commission Form of Government a Permanent One?" The contestants came from the following colleges: Radcliffe, Stanford University, Clark, University of Pennsylvania, Wellesley, Harvard, College of the City of New York, Washington and Jefferson, Yale, and the University of Texas. The judges were Prof. Howard L. McBain, associate editor of the NATIONAL MUNICIPAL REVIEW and associate professor of municipal science and administrative law at Columbia, and H. J. Haskell, editor of the *Kansas City Star*.

Los Angeles Prize. Through the generosity of Meyer Lissner, Esq., the Los Angeles member of the Council of the National municipal league, a prize competition of $100 has been established for the best essay on the subject "The Best Charter for Los Angeles." The students of Occidental College, the University of Southern California, and the thirteenth and fourteenth-year students at the high school have been invited to compete. The prize has been awarded to Miss Helen Dolley. The judges were H. S. Gilbertson, secretary of the Short Ballot Organization, and Clinton Rogers Woodruff, editor of the NATIONAL MUNICIPAL REVIEW.

Portland, Oregon, Prize. $600 has been raised in Portland, Oregon, among the friends of Reed College to establish a National municipal league prize in that institution for an annual competition on some subject connected with municipal government.

The Cincinnati Prize for 1914 was awarded to Mr. Oscar F. See, with honorable mention of Julius J. Hoffmann, for his essay on "The Best Charter for Cincinnati." The judges were Alfred Bettman, Esq., of Cincinnati, and Clinton Rogers Woodruff, secretary of the National municipal league.

⚜

A North Carolina Municipal Investigation.—A special commission has been appointed by the Governor of North Carolina to investigate and make a report on municipal government, conditions and public utilities in Europe.

⚜

Cost of Living.—The Council of the National municipal league has renamed the committee on cost of living as follows: "Committee on the relation of the city to its food supply." The members of this committee are: Dr. Clyde L. King, chairman, Charles J. Brand, Hon. Cyrus C. Miller, H. B. Fullerton, C. W. Thompson. A comprehensive report is expected from this committee at the November meeting of the league.

⚜

J. Horace McFarland.—Apropos of the failure of the new Harrisburg commission to appoint J. Horace McFarland a member of the city planning commission authorized under the law of 1913, the Harrisburg *Patriot* had this to say:

There is one man in Harrisburg preeminently fitted for a place on the com-

mission who has served the state for many years without fee or hope of one, who doubtless would have accepted an appointment, a man of national reputation, . . . J. Horace McFarland, president of the American civic association and vice-president of the National municipal league. Mr. McFarland was not appointed on the city planning commission because he had earned very greatly to his credit the enmity of the little political pieces who control the council. No man has done more for the physical development of Harrisburg and the cultivation of an enterprising civic spirit among the citizens than Mr. McFarland, and no other man has done so much or half so much or one-tenth so much to advance Harrisburg through the length and breadth of the land.

The paper might have added with entire propriety that the commission did not diminish in any respect Mr. McFarland's reputation, but afforded students of municipal affairs an index of its own capacity and public spirit.

*

Robert A. Campbell.—The Board of estimate and apportionment has authorized the New York public library to assume the management of the municipal reference library, for the past year operated as a part of the finance department, and space has been allotted for this municipal reference branch in the northwest corner of the fifth floor of the new municipal building. Robert A. Campbell, who has been appointed librarian of the municipal reference branch, graduated at the University of Wisconsin, with the degree of A. B., in 1906; was special agent of the Wisconsin state tax commission in the summer of 1906; assistant in the University of Wisconsin, 1906–08; on the staff of the national tax commission, summer of 1907; a fellow of Cornell University, 1908–09; fellow of the University of Wisconsin, 1909–10; legislative reference librarian, California, 1910–11; secretary, Wisconsin state board of public affairs, 1911–14. Before he went to California, Mr. Campbell also had considerable experience under Dr. McCarthy in the legislative reference department of the Wisconsin free library commission.

Robert E. Cushman of Akron, Ohio, has been appointed to one of the Cutting traveling fellowships at Columbia. He has sailed for Europe to study the question of excess condemnation preparatory to preparing a volume on the subject for the National municipal league. Mr. Cushman is the author of an interesting pamphlet, entitled "Fighting Organic Laws," being a discussion of the action of the Ohio electorate in the revision of the state constitution in 1912.

*

Elliott Hunt Pendleton.—The City Club of Cincinnati gave a luncheon recently in honor of Elliott Hunt Pendleton, apropos of the suspension of the publication of the *Citizens' Bulletin*.[1] The officers of the club deemed it due to Mr. Pendleton's eminent services to the cause of honest and efficient municipal government, that one of the club meetings should be devoted to an expression, through formal addresses, of the high appreciation in which he was held by his co-workers.

The luncheon was a tribute not only to the *Citizens' Bulletin* and its usefulness, but to Mr. Pendleton's personal example of generous self-sacrifice for the common good. The speakers at the dinner were President George A. Thayer of the club, Judge Rufus B. Smith, John R. Schindel, Esq., chairman of the board of trustees of the Bureau of Municipal Research, Alfred K. Nippert, and Charles Newell. Mr. Pendleton's response was in his characteristically modest fashion. The various speeches have been published in a pamphlet and constitute an interesting chapter in Cincinnati's fight for higher municipal standards.

*

D. O. Decker of Ossining, N. Y., has been elected civic commissioner of the Commerce Club of St. Joseph. The selection of Mr. Decker is a pioneer step as very few commercial bodies have retained men specially trained in municipal work to take charge of the civic department.

[1] See NATIONAL MUNICIPAL REVIEW, Vol. II, page 397.

Dr. Jesse D. Burks, formerly director of the Bureau of Municipal Research in Philadelphia, has been appointed director of the efficiency commission of the city of Los Angeles, having won his position on the basis of a competitive examination.

⚜

Knowlton Mixer, a member of the council of the National municipal league has been chosen chairman of the committee having charge of the campaign for the new Buffalo charter.

⚜

William Mulholland, who had charge of the construction of the new Los Angeles aqueduct[1] has been made a Doctor of Laws by the University of California.

[1] See NATIONAL MUNICIPAL REVIEW, Vol. III, page 97.

DEPARTMENT OF REPORTS AND REVIEWS

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1. REVIEWS OF REPORTS

Government Ownership of Telegraphs and Telephones.—1. *Government ownership of electrical means of communication;* a report to the postmaster general by a special committee of the post office department. November 25, 1913.)

2. *Annual report of the directors of the American telephone and telegraph company to the stockholders for the year ending December 31, 1913.*

3. *The postalization of the telephone and the telegraph:* speech of Hon. David J. Lewis of Maryland in the House of Representatives, January 16, 1914.

The above are the titles of three publications of recent issue that deal with the subject of government ownership of the telegraph and the telephone. The last of the three was reviewed in the April number of the NATIONAL MUNICIPAL REVIEW (See Vol. III, page 382) and will be referred to in this review only in an incidental manner.

The first of the publications mentioned embodies the results of an investigation extending over several months during the year 1913, and carried on by a committee of three officials in the post office department at the direction of Postmaster General Burleson. The document includes the report of the committee, together with a letter of transmittal to the senate by the postmaster general; a series of eight appendices covering 122 pages; a tentative draft of a bill declaring a government monopoly over electrical means of communication; and the supplementary statistics relative to telephone and telegraph services compiled and furnished by the bureau of the census.

Inasmuch as the appendices and other supplementary material in the volume represent the facts upon which the committee based its report and recommendations, it is well to indicate first the nature and scope of contents of this part of the volume. In Appendix A is found an historical résumé of the agitation for government ownership of the telegraph and telephone in the United States, reviewing the constitutional provisions for a postal establishment, the development of the telegraph and the refusal of the government to assume control of this means of transmitting communications, the rise of the Western Union, excerpts from the reports of numerous postmasters general, from the reports of the industrial commission in 1901, and from arguments on the subject presented by Judge Walter Clark, Prof. Frank Parsons and Prof. E. R. A. Seligman, and finally copies of acts of congress of 1866 and 1901 relating to the subject of the investigation. Attention is called to the fact that the government refused to purchase Mr. Morse's patent at $100,000, and that congress later urged the sale of the government line operating between Washington and Baltimore inasmuch as it was costing the government about $4,000 a year to maintain it. Appendix A closes as follows:

Government ownership of the electrical means of transmitting intelligence is brought to the attention of the American people of 1913 with the endorsement of nearly every postmaster general since the civil war, with a score of favorable reports by committees of congress, and by the example of practically every other nation of the civilized world. More than

seventy bills have been introduced in congress to accomplish it. Meanwhile the private operation of the telegraphic and telephonic facilities has resulted in a virtual monopoly by which the people are annually taxed vast sums for which they receive no adequate return.

The material in Appendix B is a compilation of the legislation enacted in the states and is offered in evidence as indicative of the general dissatisfaction alleged in regard to the telegraph and telephone services now given. Thirty states are represented in this compilation.

The other six appendices are devoted to charts, statistical tables, miscellaneous data, and comparative statistics relating to the conduct of the telegraph, telephone and post office in the United States and foreign countries, sixteen of the latter being included. The supplementary statistics compiled by the bureau of the census relate to both telephone service and telegraph service, including cable and wireless as well as land systems.

The tentative draft of the bill declaring a government monopoly over electrical means of communication declares the purpose to be to promote the postal service of the United States. It applies to the latter and Alaska. It provides for the condemnation of the telephone and telegraph systems, farmers' lines excepted, authorizes the postmaster general to take charge of the long distance lines on July 1, 1914, and of the other properties condemned within a reasonable time.

Section four of the bill clothes the interstate commerce commission with the authority and power to appraise the values of the property condemned, and provides for a review of its work by the circuit court of appeals and, on appeal by the supreme court in case either party is dissatisfied with the award of the commission.

Sections five and six deal with the financing of the payments of awards made, the secretary of the treasury being empowered to issue bonds "in such sum or sums as may be necessary to make payment of such awards." Seventy million dollars is also appropriated for extensions and improvements of the service.

Section seven takes up the problem of administration of the service after acquisition, provides from the gross receipts for a fund to cover depreciation, extensions and development, but not to exceed in any one year ten percentum value of the properties. The postmaster general is empowered to lease such property as may be necessary and to license the construction and operation of telegraph and telephone services, and fix the conditions therefor but all such licenses are to provide for purchase by the government. Existing lines, including farmers' lines, are in section eight licensed to continue in business until the government takes charge of their properties.

The declaration of the government monopoly of electrical means of communication is made effective in the future by means of section nine which forbids the construction and operation of such services except under government license, fixes penalties for interference with the service, and for offenses against the property, funds and mails of the department.

The report of the committee covers a wider range than was intended. The relation of the telegraph and telephone systems to the postal service is considered by way of introduction and attention is called to the fact that under private ownership and operation the facilities for electrical means of communication will be extended only in proportion as substantial dividends to the stockholders are insured, while under government ownership these benefits could be extended to the masses of the population. An analysis of the telegraph service follows together with a review of the effect of the telephone on telegraph service, the conclusion reached being that the acquisition of the telegraph systems alone would be unwise, inasmuch as they would be inadequate for postal needs, and further because the telephone is supplanting the telegraph and might be equipped to do so entirely.

The report, therefore, takes up the topic of telephone service, shows the essentially monopolistic tendencies of the

telephone business, and contrasts the policies of a public and a private monopoly as follows: "In the extension of service the determining factor with the government is the needs of the people; with the private monopoly, the consideration of profit. . . . In fixing rates the policy of this government is to superimpose no charge for taxation, but only to see to it that the service as a whole is self-supporting. The private monopoly, on the other hand, must make a profit, and in providing for this tends to increase its rates to the highest point that will not, by so greatly restricting the volume of business, impair the aggregate profit."

Attention is called to the fact that it is the admitted object of the American telegraph and telephone company to establish a nation-wide monopoly of the telephone business, that to foster competition results in waste and inefficiency due to duplication. What is needed is not artificial restraint, but natural development under management of an unselfish agency like the postal service. It is further emphasized that maps of the postal service and of the telephone service are strikingly similar except that the postal service is the more extensive, and that, therefore, three agencies are operating in the profitable field while the only essential difference in their work lies in the mode of transmission.

The problems of merging these services under the postal department are discussed and the committee concludes: "Your committee has no doubt that the institutional efficiency of the telegraph and telephone services in this country would be increased by government ownership."

On the subject of method of acquisition the committee gives consideration to the feasibility of gradual acquisition and to this end divides the telephone properties into three groups, as follows: The long distance and toll lines, the exchange systems, and the farmer lines. The committee evidently believes in the acquisition of the long distance and toll lines and also the exchange systems at the outset and for two reasons: first, the Bell companies would oppose the taking of a part of their plant only, in addition to the fact that the cost of operation would be greater, and, second, the tendency would be for the private companies to allow the properties left with them to run down, or possibly even assume a hostile attitude. The committee, however, seriously questions the advisability of acquiring the farmer lines and suggests that they be licensed to continue.

The cost of the taking over of the telegraph and telephone properties is estimated at something less than $900,000,000 which is the capitalization of the entire commercial network. It is proposed to extend the payment for these properties over a period of years, and the report states that no serious difficulty would be experienced in financing the proposition. In this connection the experience of Japan and Switzerland in the acquisition of their railway properties is cited.

The report closes:

Your committee has reached the conclusion that the only way to afford to the people the complete and modern postal facilities that the constitution makes it the duty of the government to provide is to put into effect the following recommendations:

1. That congress declare a government monopoly over all telegraph, telephone, and radio communications and such other means for the transmission of intelligence as may hereafter develop.
2. That congress acquire by purchase at this time at the appraised value the commercial telephone network, except the farmer lines.
3. That congress authorize the postmaster general to issue in his discretion and under such regulations as he may prescribe, revocable licenses for the operation, by private individuals, associations, companies, and corporations, of the telegraph service and such parts of the telephone service as may not be acquired by the government.

The second of the publications, The annual report of the directors of the American telephone and telegraph company to the stockholders for the year ending December 31, 1913, is a pamphlet of sixty-eight pages. The first part is devoted to the report of the Bell system in the United

States for 1913, including an account of the terms of the dissolution of the merger between the American telephone and telegraph company and the Western Union telegraph company. Pages 28 to 62 are given to the consideration of government ownership and operation. The report and the discussion is signed by Theodore N. Vail, president, and may, therefore, be taken to represent fairly the attitude of the Bell companies toward the question of government ownership and operation. The following declarations appear in the introduction to the discussion:

> We recognize a "responsibility" and "accountability" to the public on our part. . . . Our opposition to government operation and ownership is not based on pecuniary, partisan, prejudiced, or personal reasons. . . . We are opposed to government ownership because we know that no government-owned telephone system in the world is giving as cheap and efficient service as the American public is getting from its telephone companies. We do not believe that our government would be any exception to the rule.

Attention is then called to alleged errors in the compilation of the report of the post office departments committee, the failure of the report to take into account materially dissimilar conditions, and the conclusion stated that the statistics compiled in that report "have little or no real value." Evident satisfaction is manifest, however, in the conclusion of the postal department's committee that the telephone and telegraph business should constitute one system.

> A thorough study of all available reports and official information on the operations of government-owned and operated telephones and telegraphs shows that . . . the combined telegraph and telephone are without exception operated at a deficit. . . . These deficits are . . . due to errors in management . . . impossible theories of operation, and a mistaken policy founded on promises, prophecies and assertions . . . and upon a failure to understand and appreciate the advantages of private as distinguished from government organization. The advantages of government *regulation* over government *ownership and operation* are claimed in a series of comparisons between (1) the efficiency of private operation and that of government operation, the Bell system and some of the government-owned systems of Europe being considered; (2) the cost per station of the Bell plants and the government-owned plants of several European countries; (3) the reasonableness of the rates of the Bell system and those of the government-owned systems of Europe; (4) the better wages paid on the Bell system than in the government-owned systems of Europe; (5) the tax payments of the Bell system and the exemptions of the government-owned plants; (6) the immediate service given by the Bell system involving operating facilities sufficent to care for rush hours and the deferred or "wait your turn" service which obtains in Great Britain and some other European countries where the service is government owned; (7) and finally the telegraph service of the Western Union, a company paying taxes, higher wages, covering longer distances, and on the other hand the service given in England where conditions "are most favorable" and where the telegraph is operated at an acknowledged deficit.

The report then takes up the question whether or not the post office is adapted to take over the telegraph and telephone business and handle it economically and efficiently. Attention is called to the reports of congressional and departmental committees showing "without exception" that the organization and administration of government enterprises have been extravagant, wasteful and inefficient. Moreover, it is claimed that the post office is not an organized operating entity such as is necessary to an industrial or commercial enterprise; its problems are "simplicity simplified" compared with the administration and development of the telephone and telegraph business.

In conclusion the report declares for government regulation by commissions of high standing, "the greatest protection to the public interests as against private exactions that was ever devised."

It must be said in concluding this review of these publications, that the contentions of the president of the American telephone and telegraph company are interesting but not conclusive. They might well be supplemented with a volume of statistics

that would be of value, inasmuch as it is asserted that those in the government volume "have little or no real value." Nor are the contentions of Mr. Lewis in the third of the publications cited above in regard to the public-service motive, the operative efficiency and the benefits that would follow postalization fully met. The report of the post office department's committee may not be complete, and, indeed, there are some things which it seems to have failed to give due consideration, but their report cannot be deemed valueless. On the contrary their work has been fairly well performed and, supplemented as it is by the work of Mr. Lewis, is worthy of a wide public consideration in addition to that which it has received at the hands of the Bell companies.

RUSSELL M. STORY.[1]

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The Dayton (Ohio) Bureau of Municipal Research was organized in October, 1912, with the hope of affecting in some measure the character of local municipal government. During the first year of the bureau's work the constructive measures related primarily to the financial procedure of the city. The city council was urged with the necessity of limiting expenditures to the actual anticipated income, with the result that for the first time in six years the city did not operate on an average annual deficit of $60,000. In this connection the bureau prepared detailed budget forms and data and finally secured the consent of the finance commission to utilize them permanently. The mayor was also assisted in preparing his yearly budget, upon which the tax rate is based. Public hearings on the budget were inaugurated. A complete survey of the health department was made in coöperation with the board of health, which resulted in an entire reorganization of the health department. The results of this campaign and of the publicity which attended it are perhaps best reflected in part by the control of epidemics and the decreased mortality from infectious disease.

Of a negative character, reference may be made to influence on city expenditures; the successful activity to prevent the city entering into a ten year contract for refuse disposal which it was thought would be detrimental to public interest; prevention by publicity and personal activity of the purchase of fire apparatus at an expense of over $100,000, and which, aside from any question of motives, was generally conceded to be beyond the needs of the community; investigations which resulted in a higher standard of contractual street repair; and a number of studies of similar character made with the idea of preventing rather than being of a constructive nature.

During the campaign for the new charter the bureau furnished to the committee in charge available facts relating to inefficiency in the government during past periods, particularly those of a financial character. The bureau made no effort to secure disclosures relating to anything other than weakness of method, exorbitant prices paid for city supplies, failure to standardize salaries, inadequacy of budget methods, long term bonds for short term improvements, annual operating deficits, and facts of a similar nature. The whole purpose was to carry on a campaign based upon facts rather than vituperation and personalities. The bureau also assisted materially in the work of the charter commission, particularly in the drafting of those sections relating to administrative procedure.

Since January 1, 1914, work has been primarily of a constructive character. The bureau aided the city manager and the commission in their work of reorganization, particularly in the preparation of the budget which was drawn in accordance with the most recent methods. Through the coöperation of the official body, recent activity has been concerned in coöperating with the several departmental and division heads and assisting them in the installation of the purchasing department, standardizing supplies, standardizing salaries and grades, installation of an adequate accounting system, installation of

[1] University of Illinois.

cost records in the divisions of police, water, municipal garage, street cleaning, street repair, and rubbish and ash removal. Investigation is also being made of the pension fund, the sinking funds of the general and special assessment debt, and tax payments. On the educational side, surveys have been made of over-age and non-promotion, health and building construction, which are at present under consideration by the school authorities.

In connection with these activities, continuous publicity has been maintained through pamphlets, bulletins and the press, both locally and out-of-town, with a view to stimulating citizen interest in local government problems. The following pamphlets have been issued:

Organization of the bureau of municipal research. (Folder.)

Shall we change our form of government? (16 pp.)

Appropriation ordinance,—first half of year 1913. (30 pp.)

A plan to place the water works upon a self-sustaining basis.

Government by deficit. (3 Folders.)

Organization and administration of the department of health. (97 pp.)

Health bulletins. (8 Folders.)

Appropriation ordinance,—second half of year 1913. (30 pp.)

Reprint of the Dayton charter. (64 pp.)

Motor fire apparatus bids. (Folder.)

A complaint-suggestion bureau. (Folder.)

The city budget—1914. (42 pp.)

The city manager plan of government for Dayton. (8 pp.)

A charter primer. (24 pp.)

Some acid tests of city-manager government. (Folder.)

Survey of over-age and progress in the Dayton schools. (46 pp.)

Medical inspection in Dayton schools.

L. D. Upson.[1]

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New York Commissioners of Accounts' Report. The duties of the commissioners of accounts of the city of New York as defined in the charter are first, to examine the receipts and disbursements in the office of the comptroller and chamberlain, and second to make special examinations at the direction of the mayor or on the initiative of the commission.

This office, established soon after the revelations of the Tweed frauds as an additional check upon the city treasury, soon got in the proverbial rut and became little more than a white-washing bureau. That condition continued with but little interruption until the appointment of John Purroy Mitchel, New York's present mayor, as commissioner of accounts. For a time the office lived up to the ideals of its founders, but there have been indications of backsliding during the last year or two. We therefore looked forward with much interest to the publication of the report for the year 1913. An examination of its pages shows that the commission submitted 143 reports to the mayor during the year on various subjects. Having noted this fact, we naturally looked first for the results which were actually secured, and, next, to find how much each investigation cost.

In the movement for the standardization of reports now receiving attention throughout the country, these two points are considered essentials. Yet with respect to the first, this report contains merely a few pages of descriptive matter without even a summary of achievements and with respect to the second essential, the report is silent. Not one word is mentioned either of the total cost of the bureau's activities during the year or of any one of its undertakings. Municipal history is replete with investigations which have cost several times more than they were worth, and therefore we cannot refrain from pointing out to other reporting officers this omission of the commissioners of accounts report.

Herbert R. Sands.

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Chicago's Educational Budget.—Report on the budget of educational estimates and expenditures, board of education, City of Chicago. Published by the Board of Education, City of Chicago,

[1] Dayton, Ohio.

1914. One of the most interesting developments in the management of public institutions in America is the increased interest that is being shown in budget classification and budget accounting. At the request of the finance committee of the Chicago board of education, the efficiency division of the civil service commission of Chicago has prepared a report showing budget proposals in great detail, but so classified as to show the proposals for:

(1) Each organization unit and division in the school system;

(2) Each function, or class of work, or special activity in the school system;

(3) Each kind of expenditure as under standard analysis accounts.

The report is valuable to the student of political science because of the clearness with which the organization units are shown for the school system of a large city. The report is of interest to the student of governmental accounting because of the classification of standard accounts employed as under organization units, and as under the classification of functions and activities. Of course, the commission has not commented upon the organization reflected in the proposed classification, but the student of political science can arrive at some conception of the strength and weakness in the present organization of the school system of Chicago by a study of the classification of functions and activities given as under certain organization units. A student of governmental accounting will note with great pleasure the clearness with which the standard accounts employed are defined, even although he may criticise the classification together of the cost of new land, interest on debt, and pension payments (Summary 5, page 24); or the classification of repairs and replacements, and of construction and betterment, under the same general heading of "Structures and parts and non-structural improvements to land" (page 19).

The budget presented compares the departmental estimates for 1914 with the actual expenditures for the year 1913. It does not, however, indicate the increases or decreases of the estimates for 1914 as over against the expenditure for 1913; and it gives no comparison between the budget for 1913 and the proposed budget for 1914.

From the letter accompanying the report, it would seem that the report was prepared within a space of two months. Considering the great mass of detail handled and the short time allotted to its preparation, the report is a remarkable achievement. The request of the board of education for such a report, the existence of a public board capable of preparing it, the speed with which it was prepared, and the intelligent and forceful manner in which the report conveys a definite idea of the organization and functions of the school system,—these things are ample evidence that the finances of a great public institution, such as the school system of a large city, can be handled in a business-like way. The civil service commission of Chicago is to be congratulated on the character of the work, and the citizens of Chicago are to be congratulated on the opportunity that the report gives to them to form an intelligent opinion as to the financial management of the school system.

GEORGE E. FRAZER.[1]

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The Fly. The federal bureaus of entomology of the United States and Canada, and many state departments of health, have issued special bulletins relating to the house fly, all of which have been of great value in pointing out the way for reducing the fly family, but possibly no better bulletin for general use by civic organizations engaged in the crusade against the fly has been issued than that of the Berkeley City Club (the issue of May, 18), of which is devoted entirely to the house fly under the subject of "House Fly Management." It is a discussion of the life-history of the domestic fly; its dangers and methods for its prevention, and in the treatment of the subject the contents are divided into four principal heads; first, the introduction; second, information; third, appli-

[1] University of Illinois.

cation; and fourth, legislation. The report contains an address by Prof. W. B. Herms, of the University of California, given before a mass meeting on the fly nuisance, held under the joint auspices of the city club and the housewives' league, at which other speakers were Dr. J. N. Force, Mrs. C. E. Miller, and Chief of Police Vollmer. In his introductory remarks, Doctor Herms speaks of the value of the clean-up campaign which has been gaining importance in all parts of the United States, and in which he says: "No community is too clean to participate in this movement." Dwelling upon the fact that we clean for the sake of health as well as for appearance, Doctor Herms emphasizes the importance of clearing away ugly environments, which, he says, produce unfit citizenship. "And," he says, "a community that does not include flies and mosquitoes in its clean-up program is working on a fifty per cent efficiency basis."

The three factors he mentions as important in the process of house fly elimination are: "(A) Information — an informed public is essential to an efficient health movement of any kind if the results are to be of lasting benefit. (B) Application—involving the actual doing of things simplified and made effective through information. (C) Legislation—or the creation of ordinances which can be enforced and then enforcing them without fear or favor. Let the ordinance strike at the root of the evil. If horse manure is responsible for the origin of ninety-five per cent of our flies and kitchen refuse, and other garbage gives us the other five per cent then let us place these nuisances under control."

The story of the life-history of the fly is much similar to other accounts of the same kind. It is well illustrated with enlarged pictures of the fly's head and foot and the eggs and larva. Accompanying the general statement are facts relating to the fly as carriers of disease. Doctor Herms says that the house fly can be controlled without question, and that it is demonstrated by the scarcity of flies in localities where cleanliness about stables and houses prevails throughout a number of adjoining city blocks. Under the discussion of stable surroundings, the pamphlet is made valuable by a description of model concrete stable floors and model manure bins. In the treatment of manure with a view to killing the eggs and larva of flies, Doctor Herms suggests a number of prescriptions of chemical compositions that may be sprinkled over the manure without doing damage to its fertilizing efficiency.

But it is under the subject of legislation and ordinances that the Berkeley bulletin is particularly valuable. Ordinances of the city of Berkeley are cited as effective agencies for holding down the increase in flies. Doctor Herms would have ordinances so effective that provision would be made for the daily collection of the manure. A suggested ordinance by Dr. J. N. Force of the Berkeley board of health would require that no manure shall be used for fertilizing purposes within the city limits, which has not been rendered free from live maggots or fly pupae by treating with saturating quantities of water at a temperature of 190 degrees.

Altogether the house fly bulletin of the Berkeley city club is a most valuable contribution to the subject, and one that will be helpful to any organization or individual anxious to proceed in an intelligent and effective manner against the fly.[1]

RICHARD B. WATROUS.

Washington, D. C.

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A Report on Municipal and Government Ice Plants in the United States and Other Countries. Prepared by Jeanie Wells Wentworth.

This report, submitted to the president of the Borough of Manhattan, New York City, includes a study of several ice plants owned and operated by the United States government in public buildings at Washington, Panama and the Philippines; municipal plants in England, Germany, and Italy; the single municipal plant

*[1] Published by the city club of Berkeley. J. R. Douglas, Secretary, 205 Berkeley National Bank Building, Berkeley, Cal. Price 10 cents.

discovered in the United States, at Weatherford, Okla.; and several proposed municipal plants in this country.

In the public markets generally throughout Europe, refrigerating plants have been installed; but these do not appear to sell ice to the general public. There are, however, municipal plants furnishing ice to the public at Bolton and Wolverhampton, in England, at Stiglitz (in Berlin), Germany, and in twenty-eight Italian municipalities, the largest of which is at Reggio Emilia. The general conclusion of the report is that the publicly owned plants show a substantial saving in the cost for government use, and a great reduction in prices where the ice is sold to the public, as well as a substantial profit on the investment. But it should be noted that the statistical data do not always include interest and depreciation charges; and there seems to be need for a more careful analysis of the information presented.

✻

New York City Board of Inebriety.—In 1911, under authority of an act of 1910, there was established in New York City a board of inebriety to establish and maintain a hospital and industrial colony for inebriates. The board consists of seven members, five unpaid members appointed by the mayor with the commissioners of charities and corrections *ex-officio*. Two of the members must be physicians; and certain charitable organizations are authorized to present a list of persons from which appointments may be made. Two of the members appointed are clergymen.

The first annual report of this board for the year 1913 describes the situation and purchase of a site of 750 acres in Orange county, and the plans for buildings, which are to be on the cottage system. There is also included a report on the agricultural development of the property. As soon as the necessary buildings are erected, the colony will be inaugurated.

This is the first municipal institution for the care and treatment of inebriates. Massachusetts has a state institution for this purpose; Pennsylvania has established a commission to organize a similar institution; and Connecticut and Minnesota have passed laws on the subject.

✻

Criminal Courts in New York City.—The committee on courts of the City Club of New York, consisting of Gordon Ireland, chairman, Clarence M. Lewis, secretary, Albert S. Bard, Abraham Benedict, Bertram L. Fletcher, Henry A. Forster, James A. Hatch, and Paul C. Wolff, has prepared a "Digest of Reported Decisions and Session Laws, with a brief report concerning the substance and administration of criminal justice in the city of New York." This report was prepared by the committee for the citizens' committee appointed at the mass meeting in Cooper Union on August 14, 1912, with a view to ascertaining the general condition of the administration of criminal justice in the city of New York and making such recommendations for reforming criminal practice as would be based upon such an investigation. The committee recommends "as important beginnings in the reforms immediately and universally required in criminal practice and procedure in New York" the following:

(1) The giving of a broad right of appeal to the people.

(2) A radical revision and scientific treatment of the whole law relating to perjury with a view to making convictions more common.

(3) Active support for and all possible effort towards additional strength of administration and the exercise of judicial discretion and presiding power in all courts.[1]

✻

Chicago House of Correction.—Under date of March 30, 1914, the Chicago Civil Service Commission submitted a report of the efficiency division on the organization and management of the house of correction, including the use of prison labor. Like other reports by this agency, this report shows the result of an intensive investigation, and presents a numerous list of findings and recommendations.

[1] From Julius H. Cohen.

Among the conclusions may be noted criticism of the dual authority of the superintendent and board of inspectors, of the contract labor system and of a general lack of business management. It is recommended that the responsibility for the management be placed definitely on one official, that the system of contract labor be abolished, and that a number of existing industries be extended and certain new industries be established to furnish commodities and services for for municipal use.

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Mayor's Address, Springfield, Massachusetts.—The second address of Mayor John A. Denison of Springfield, Massachusetts (January 5, 1914), gives special attention to the city finances and water rates. The city is stated to be within $253,795 of the limit of bonded indebtedness; and a reduction of water rates is urged. An interesting paragraph, which has attracted attention in other places, calls on the local newspapers to give more attention to the work of the municipal government, and to assign more experienced reporters to this field, so that the public can be better informed of what is being done. A more intelligent public interest in municipal affairs can undoubtedly be secured, by fuller and more accurate newspaper statements of the municipal problems and their treatment. If the newspapers do not perform this function through their own staff, may it not become advisable for the city officials to employ a competent person to prepare "stories" on municipal matters for the press?

*

Proceedings of the National Civil Service Reform League, held at Boston, Massachusetts, December 11 and 12, 1913.

This report of the Boston meeting of the National civil service reform league includes two papers relating to municipal government: one by H. S. Gilbertson, on the city manager plan—its contribution to the growth of a non-political and efficient personnel in municipal administration; and one by Lewis H. Van Dusen, on the choice of municipal experts through competitive examinations in Philadelphia.

Publications of the National Health Insurance Commission (England).

The administration of the English national insurance acts has called for the issue of a large number of pamphlets and leaflets by the national health insurance commission. A list of these publications, revised to January 31, 1914, forms a pamphlet of fifteen pages. Among the publications may be noted one giving the text of the insurance acts, and explanatory leaflets on voluntary contributors, approved societies, benefits, and outworkers.

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New York Women's Municipal League. The latest report of the Women's Municipal League of New York City shows not only a considerable increase in membership but also a wholesome policy which is turning the attention of the league to a careful study of the conditions in the city that are affecting citizenship, and which is therefore preparing it for definite constructive work. During the course of the year it has been giving its attention to the problems of deficient and defective children, specially administering a fund for the purpose of determining the causes of mental and moral deficiency; it has been studying the problems of housing, employment, probation, and recreation. The league has entered aggressively into the fight to preserve the integrity of Riverside drive, to secure a house of detention, and an improvement in the workhouse situation; and it was instrumental in bringing about a federation among twelve organizations interested in assisting young women which has resulted in raising the efficiency of all of them by directing the efforts of each in distinct fields and thereby avoiding wasteful duplication.[1]

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Report of Committee on Local Taxation. — The British government printers issued recently the final report of the departmental committee on local taxation in England and Wales, which inquired into the changes which have occurred in the relations between imperial and local taxation since the report

[1] Murray Gross.

of the royal commission on local taxation, in 1901; and examined the several proposals made in the reports of that commission, and recommended the introduction of a very considerable amount of legislation at an early date. The recommendations of the committee would afford relief to local authorities to the extent of £4,700,000.

✻

English Housing Reports. An unusually interesting *housing and town planning conference and exhibition* were held in Liverpool in March. Special attention was given to the subject of streets, whose width and arrangement affect so vitally both the business and the residence sections of a community. Garden suburbs, municipal housing, co-partnership housing and progress in Germany and America furnished the subjects of discussion at the sessions which extended over several days. The proceedings of the conference have been published and may be obtained from the *Town Planning Review*, Liberty Buildings, Liverpool.

The British local government board this year for the first time, in recognition of the growing interest in housing, issued separately Part II of its annual report dealing with *housing and town* planning. This part of the report thus became available much earlier than in previous years and the fact that it is not bound in a cumbersome volume makes it much more usable. It contains valuable statistical and other tables and a most encouraging account of the progress made during the past twelvemonth.

✻

"Trading" and Rates.—James Carter, borough treasurer of Preston, compiles annually tables that present the rates levied in some of the towns. This is a service that ought to be rendered to the public by a state department. Mr. Carter's figures furnish striking proof of the advance in the rates in all parts of the country. Further, the tables illustrate clearly the profits derived from municipal enterprise.

JUDICIAL DECISIONS

Involuntary Highway Extension.—The rights of the public in an extension of a highway were confirmed by the New York supreme court in *City of New Rochelle* vs. *New Rochelle Coal & Lumber Company*.[1] The company had built a dock at the foot of a highway and claimed exclusive rights to its use. The court held, however, that the public easement in the use of the highway extended across the newly made land to the water's edge. That the extension of the land of itself operated to extend the highway.

✻

Notice of Personal Injury.—Charter provisions and statutes limiting municipal liability for personal injuries and prescribing a period within which such claims must be filed are of frequent occurrence. Such provisions, while a useful protection to the municipality, are sometimes the cause of hardship and are not always strictly construed by the courts. An instance of the reluctance of the courts to hold too strictly to the letter of the law is the decision of the New York supreme court in *Murphy* vs. *Village of Ft. Edward*.[2] In the face of a village law prescribing the filing of a verified statement of the nature of a claim for damages for personal injuries giving the time and place of the injury, within sixty days after the accrual of the cause of action, the court held that a child five years old is not prevented from maintaining such an action by its failure and the failure of its father or mother to file the prescribed notice.

✻

Reducing Village Area.—The statute of limitations is held by the supreme court of Nebraska in *MacGowan et al.* vs. *Village of Gibbon*[3] inapplicable to the right of the owners of unoccupied territory within a village to petition for its detachment therefrom; the statute giving them the right

[1] 144 N. Y. S. 852.

[2] 144 N. Y. S. 451.

[3] 144 N. W. R. 808.

"whenever" they shall desire to have the territory disconnected. Passing on a rather harder question presented in the same case, the court found that the fact that the owner of the territory sought to be disconnected had signed a petition, as such owner, to hold an election to vote municipal bonds did not estop him from asserting his statutory right to have such territory disconnected from the village.

❋

Necessity of a Bond.—Sioux City escaped liability for unlawful injury inflicted on a private citizen by a member of its police force by the decision of the supreme court of Iowa in *Looney* vs. *City of Sioux City*.[1] The superintendent of the police department had failed to require the usual bond before assigning an officer to duty. In the view of the court this was an omission to perform a governmental function. The officer was not qualified to act and the city was therefore not liable for his actions. It accordingly becomes advisable for a person about to be "beaten up" by an Iowa policeman, and who hopes to hold the city employing him responsible for his unlawful actions, to verify his references and see that his bond is regular before allowing him to proceed with the operation.

❋

Municipal Regulation of Navigation.—Chicago undertakes by ordinance to regulate the speed of vessels when passing any bridge in the Chicago river and also requires the use of tugs by any vessel of over twelve hundred tons gross burden when moving through or between bridges in certain parts of the river. The Canada Atlantic Transit Company et al. attacked the ordinance as an interference with the rights of navigation and of interstate commerce, which is beyond municipal jurisdiction. The circuit court of appeals held [2] that in the absence of any legislation on the subject by congress, regulation by the municipality to that extent is competent, subject, of course, to such regulations as congress may hereafter prescribe.

[1] 145 N. W. R. 287.
[2] 210 F R. 7.

Civil Service and Salary Control.—Under charter provisions the city of New York can only pay a claim for salary as a member of the classified civil service on a pay roll from a department of the city government authenticated by it and certified to by the civil service commissioner as provided by the civil service law. The New York supreme court in *Allen* vs. *City of New York* [3] refused to countenance an action by an employee for an increased salary, the civil service commission having refused to recognise the increase as valid, on the ground that the propriety of the action of the commission could not be reviewed in an action against the city.

❋

Town's Liability for Prisoner's Death.—The liability of a town for damages on account of the death of an intoxicated person while in the lockup in the municipal building caused by the burning of the building was sought to be established in *Nichols* vs. *Town of Fountain*.[4] The supreme court of North Carolina, however, refused to hold the town liable, even though it employed no guard or watchman for the lockup, on the showing that it had properly constructed and furnished the prison and exercised ordinary care in providing for the prisoner, it having but one peace officer; and held that it was not responsible for the negligence of its officers in caring for him.

❋

Elevated Railway Regulation.—The supreme court of Illinois has recently held, in the case of *Metropolitan West Side Electric Railway Company* vs. *City of Chicago*,[5] that an elevated railway traversing the city streets is not a street railway within the purview of the cities and villages act authorizing municipalities to regulate hackmen and other carriers using the streets and to fix their compensation. The court distinguished the elevated service from that of the surface cars and hackmen on the ground that the former have regular stations for reception and discharge of passengers, and do not stop at any point as is customary with the latter.

[3] 145 N. Y. S. 1022.
[4] 80 S. E. R. 1059.
[5] 104 N. E. R. 165.

Piecemeal Charter Revision.—The Verdier act relating to the powers of municipalities was upheld by the supreme court of Michigan in *Attorney-General ex rel Barbour et al.* vs. *Lindsay et al.*[1] The act gives the cities a large measure of home rule, grants them the right to amend their charters piecemeal and makes the debt limit for general municipal purposes eight per cent of the appraised valuation, but authorizes an increase of two per cent in the limit for the purpose of acquiring any or all public utilities. Thus making the total legal debt limit ten per cent. The latter two per cent and the purpose for which it is authorized doubtless largely explains the formidable fight made on the act. The law is intended to, and doubtless will, facilitate the undertaking of various enterprises by the cities of the state.

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Junk Shop and Legislative Power.—The extent to which a city council may lawfully delegate its power is sometimes a difficult one. In *City of Milwaukee* vs. *Ruplinger*,[2] the Wisconsin supreme court held that an ordinance providing that no junk shop be kept without a license and that applications for licenses should be made to the mayor to whom the power was given to grant or refuse them as he thought best for the good order of the city, was not invalid as an unauthorized delegation of legislative power. The ordinance being complete in itself, and merely delegating to the mayor as a city official the right to decide among the applicants the persons who come within its terms did not exceed the power of the council in regard to delegating its functions.

Taxation of Municipal Enterprises.—The supreme court of appeals of Virginia, in *Commonwealth* vs. *City of Richmond*,[3] has recently handed down a decision of peculiar interest at this time in view of the many cities now engaged in furnishing public utility service of one sort or another to their citizens. The state authorities undertook to enforce the payment of taxes by the city on its revenue producing utilities, such as the auditorium, market houses, water works and gas works. The case was ably argued and the opinion of the court in which the position of Richmond is fully sustained, that the utilities above mentioned are not subject to state taxation, is one which should be very persuasive as a precedent in other states. The exemption from taxation of such utilities, however, while no doubt sound law and sound public policy, does tend to some extent to confuse the situation in regard to the relative cost of municipally owned and privately owned utilities. The difference to the community in the amount of taxes collected from the private concerns as contrasted with no taxes from the publicly owned ones ought to be taken into consideration in computing the advantages or otherwise of municipal and private ownership. This consideration is sometimes over-looked in such comparisons. And the figures given out as to the relative advantages of the two methods of furnishing municipal necessaries are to that extent sometimes misleading.

Charles D. Mahaffie.[4]

BOOK REVIEWS

Public Opinion and Popular Government. By A. Lawrence Lowell. Longmans, Green & Co. 1913.

This is a welcome volume because it plunges into the philosophy of the relation between the people and their government, a field of study and analysis that has long been underworked. In fact in this field there can hardly be said to be as yet any political science worthy of the name or enough political scientists prepared to debate in it to form a decent school. So far as the public is concerned, it is still *lese majeste* even to venture to suggest that public opinion is clumsy and hampered by myriad inherent disabilities. How we short ballot advocates have had to prune

[1] 145 N. W. R. 98.
[2] 145 N. W. R. 42.
[3] 81 S. E. R. 69.
[4] Portland, Oregon.

our paragraphs to avoid saying too pointedly that the people cannot choose fifty officers on one day, and similar uncomplimentary implications!

But here comes Mr. Lowell quite unconcerned as to how the people of the United States may like the cold truth and utterly unafraid of stepping on the toes of hotheaded pleaders for various specific remedies, and, curiously enough, his analysis being so passionless, he must, I think, leave those who suffer under his microscope passionless also.

Public opinion seems to the layman like a simple easy thing, but this author unreeves it like a cable into strands and ravels out each strand to the uttermost threads of hemp and displays it as a thing of marvelous complexity and infinite detail. There are fifty pages of that and many a page flashes a mere passing searchlight on depths that would bear elaboration into whole volumes by themselves. Such a phrase as "an election does not always express public opinion" opens up the kind of discussion and analysis that we much need and we have need of more men in political science who will find joy in developing the evidence on such a point.

When Mr. Lowell's passionless white light comes to the initiative and referendum, very interesting values and limitations are disclosed with net results that will tickle neither side overmuch. Happily, Mr. Lowell does not turn his light upon the current arguments nursed in childish faith by the proponents (and the opponents, too) of these devices or there would have been rare fun!

There is mighty good pioneer thinking, for instance, in the paragraphs dealing with "representation by sample," the trustworthiness of the results of referenda as really expressing a public opinion and the difficulty of foretelling whether a public opinion will be formed in a given case. Many of the considerations which he brings up are obviously important and yet entirely novel.

The very fact that the book traverses so much virgin territory makes it strikingly incomplete. He practically ignores, for instance, the political machine as distinguished from the political party and he makes little note of the part which the element of the mere bigness of the electorate may play in determining the relative efficiency of democratic instruments.

The author evidently knows the pitfalls which await the man who, to complete and illustrate his recommendations, generously volunteers to erect an imaginary structure to accord therewith. He makes plain the need of a short ballot but refrains from calling for it in positive terms. He ends the book by indicating the need of the city-manager principle, yet the idea is not specifically mentioned.

RICHARD S. CHILDS.

New York.

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IMMIGRATION: A WORLD MOVEMENT AND ITS AMERICAN SIGNIFICANCE. By Henry Pratt Fairchild. New York: Macmillan Co., xi +455 pp.[1]

Professor Fairchild has rendered a service to the student of immigration by having compiled in one handy volume the main facts and opinions scattered in the vast restrictionist literature. His original contribution deals with the relation of immigration to industrial crises, on pp. 348–361, in which he has developed the idea suggested by Professor Commons, viz. that immigration "joins with other causes to stimulate the feverish overproduction, with its inevitable collapse, that has characterized the industry of America more than that of any other country." Professor Fairchild has adduced no data, however, to demonstrate Professor Commons' bald assertion that the crises in the United States have been more intense, in proportion, than in other industrial countries. His argument in support of Professor Commons' theory that "immigration intensifies" the "cycle of booms and depressions" is purely speculative.

[1] NATIONAL MUNICIPAL REVIEW, Vol. II, page 757.

The mental attitude of the author is strikingly shown in his readiness to excuse rough handling of the incoming immigrants by United States immigration officials. He admits that "physical force . . . is frequently employed to push an immigrant in one direction, or hold him back from another" and says that this is "necessary," because the facilities of Ellis Island provide for the handling of five thousand immigrants per day, whereas on some days the number of arrivals reached fifteen thousand. "The bustle, confusion, rush, and size of Ellis Island complete the work, and leave the average alien in a state of stupor and bewilderment. He is in no condition to understand or appreciate a carefully worded explanation of what he must do, or why he must do it, even if the inspector has time to give it. The one suggestion which is immediately comprehensible to him is a pull or a push; if this is not administered with actual violence there is no unkindness in it. . . . It would be a remarkable man, indeed, who could deal with a steady stream of foreigners, stolid and unresponsive to begin with, and reduced to such a pitch of stupor, day after day, without occasionally losing his patience" (p. 188).

And yet such "remarkable men" are not scarce in Coney Island, where a great many more than fifteen thousand persons, mostly immigrants, are accommodated every Sunday during the summer months. An usher in a cheap show who would lose his patience with a foreign speaking patron would very soon be separated from his job. Doubtless the United States has the legal authority to terminate all her commercial treaties with foreign nations and to enact a law barring all foreigners except Anglo-Saxon noblemen who have declared their intention to become sons-in-law of American captains of industry. But so long as the United States admits thousands of immigrants per day, it would seem there is room for the opinion that they are entitled to courteous treatment. If the number of inspectors is insufficient, the force might be increased.

The steamship companies could easily be instructed to have the incoming immigrants divided into language groups, each to be dealt with upon landing by immigration officials speaking their language. The head tax levied by the United States government upon every immigrant is yielding a surplus to the treasury; if that surplus is insufficient and it is thought that the incoming immigrants alone should bear the cost of inspection, though it aims primarily at the protection of those already here,—then the head tax ought to be increased, so as to enable the United States government to employ a sufficient number of competent officials who would handle the immigrants as an ordinary American business man would treat his customers.

Professor Fairchild's bias against immigration leads him to accept without questioning any statement unfavorable to the immigrants. He says, *e. g.*, that "the Jews in Russia are engaged primarily in the two businesses of lending money, and selling liquor" (p. 140). If he had taken the trouble to consult United States Bureau of Labor Bulletin number 72, he could have ascertained that, according to the last Russian census (1897), the number of Jewish hotel and restaurant keepers, persons engaged in the production of and dealers in spirituous liquors was 26,728, and the total number of persons living on income from capital was 58,420, in a total of 1,530,307 persons engaged in gainful occupations, and that all persons engaged in commercial pursuits aggregated only 31.6 per cent of the total number of breadwinners (pp. 498–500).

In justice to the author, however, it must be said that in most cases he gives both sides of the question, leaving it to the reader to reconcile the contradictory views.

The author shares the popular belief that "a very large part of our present immigration is . . . artificial and stimulated" or "induced" (pp. 148, 161). He thinks that "one of the greatest motives back of immigration is the desire

of the transportation companies to make money" (p. 396). There is "an immense army" of steamship agents continually working the field (p. 149). "A skillful agent can induce almost any number of the simple and credulous peasants of a backward European country to emigrate, who had scarcely such an idea in their heads before" (pp. 148–149). Still it is no longer so, since "a better knowledge of actual conditions in America . . . now prevails in most European countries," which "precludes the continued circulation" of fictitious "stories of the richness of America and the ease of life there" (p. 150). "America has become a household word even to the remote corners of Europe. . . . It is amazing to find how much an ignorant Greek peasant knows about conditions in America" (p. 160).

Though the author believes that "the advantages of the economic life in the United States all too frequently exist, not in fact but in the mind of the prospective immigrant" (pp. 148–149), yet, "in fact, if there were not real advantages in the United States," the steamship agents "would not be able" to sell tickets to prospective emigrants (p. 150). The fact is that in those countries which today furnish the bulk of the immigrants the "economic situation is still so inferior to the United States, that an ample motive for emigration exists" (p. 143). On the whole, "for the immigrant there is an undoubted net margin of advantage on the average" (p. 431).

What is "recognized by all authorities as probably the most powerful single factor in stirring up emigration from such countries as Italy, Austria-Hungary, Greece, Bulgaria, etc." (p. 157) is very accurately summarized by the author in the following paragraph:

> Every stream of immigration must have its origin in some few individuals, who, the first of their region, break the ties of home and fatherland, and go to seek their fortune in a new and far-away land. Upon their success depends the question whether others from the same district shall follow in their footsteps. If they fail in their venture, it serves as a discouraging factor as respects further emigration from that region. But if they succeed, and win a position which makes them envied in the eyes of their fellow-countrymen, it furnishes a powerful stimulus to further emigration. Sooner or later, there will be some who succeed from every region, and the example of a few successful ones is likely to far outweigh numerous failures. Something like this is going on in countless remote districts of the South European countries, and has gone on for decades in every country which has sent us numbers of immigrants (p. 155).

"This is a perfectly natural influence and obviously beyond the power of any legislation to check" (p. 157).

As customary, the author draws an invidious distinction between the "backward" races of the new immigration and the hopeful immigrants of yore. Still, we learn that "many of the stock arguments against immigration on the grounds of pauperism, criminality and inability for self-support developed during this (the colonial) period" (p. 41). In the first half of the eighteenth century "the desire to reduce the number of immigrants" to Pennsylvania suggested the argument "that whereas the German importations were at first of good class, people of substance, now they were the refuse of the country" (p. 44). "Very many of the immigrants" of that time belonged to the type "of people so deficient in moral and physical stamina as to promise nothing, save an additional burden on the . . . resources of the community"; "many others who were relatively well off economically on leaving home arrived penniless" and "were reduced to house-to-house beggary" (p. 40). In 1729 a head tax of two pounds was imposed upon immigrants to Pennsylvania, "to discourage the great importation and coming in of foreigners and of lewd, idle and ill-affected persons into this province" (p. 42).

We further learn that in 1727 the colonial governor of Pennsylvania expressed the fear "that the peace and security of the province was endangered by so many foreigners coming in, ignorant of the language and making, as it were, a separate people" (p. 41–42). Still the

author thinks that during the colonial period, "assimilation was easy, quick and complete," and while "every language of Europe could be found in Pennsylvania, this diversity was short-lived" (p. 51). But a century later, in 1835, "the dangers of a heterogeneous population, of poor assimilation . . . and the growth of foreign colonies," are related in "a very sane, calm and convincing article" (p. 69). This was the period, when the immigrants were mainly Germans and Irish. "Both of these races were closely allied to the American people and easily assimilated" (p. 88). But the "decided clannishness of the Germans," which was manifested in the existence of "many German societies and newspapers" (p. 72), aroused at the time a strong nativist sentiment against German immigration.

Another distinctive feature of the old immigration was that its motives were largely religious and political, whereas, "the religious and political motives [have] almost wholly disappeared in favor of the economic in modern immigration" (p. 378). A notable exception, however, are the Russian Jews (p. 390), in whose case religious persecution manifests itself "in various disadvantages, imposed on other interests of life, but which are primarily due to religious causes" (p. 8). They "come to this country to escape intolerable conditions on the other side, not merely for the sake of economic betterment. They prefer to endure anything in this country, rather than to return to their old home" (p. 361).

The author firmly believes that the new immigration has lowered the standard of living of the workers in the United States, and he predicts that "as long as we continue to draw our immigrants from more and more backward and undeveloped nations and races we may expect to see a progressive degradation in the customary standard of the working people" (p. 250). Still, "in general, the conclusion of investigators in regard to the food of our working classes seems to be" that the expenditure of the immigrants for food is "adequate" and that, as regards the proper "balance between the essential food elements," probably, "the immigrants fare better than the natives of the same class" (p. 256).

"As regards physical adequacy of clothing, the immigrant is probably as well off on the average as his native fellow-worker." There is even "a recognized danger" that the immigrant women's "desire for a fashionable appearance . . . may lead to an extreme of dress" beyond the family income (p. 257). Might not this disproportion stimulate a desire on the part of the men to increase the family income?

"In respect to cleanliness and even decency, there is frequently room for improvement among the immigrants, just as there is among the native born" (p. 257).

These facts would seem to contradict the opinion that the immigrants' standard of living in the United States is lower than that of the native worker "of the same class."

Nevertheless, the alleged lower standard of living of the immigrant "has undoubtedly been . . . instrumental in reducing the average wage of the American workman" (p. 303). And, "if immigration has not absolutely lowered the wages and the standard of living of the American workman, it certainly has kept them from rising to the level that they otherwise would have reached" (p. 309). But, on the other hand,

> "this question, like many others of its class, involves the problem of determining what would have happened if history had been different in some single particular. It is a most perilous, and often profitless, field to enter. It is apparently impossible for statisticians to determine with certainty what has been the course of real wages within the past half century or so. There is no doubt that money wages have gone up. There is also no doubt that the average price of commodities has gone up. The question is whether average prices or average wages have gone up the faster. The most reliable tables covering this subject are probably those of the bureau of labor, and these have been discontinued since 1907. As far as the showing which they make can be depended upon, it seems to indicate that there has been a very slight rise in the purchasing

power of full-time weekly wages since 1890. Granting this, the question still remains, would not the American workman have enjoyed a much greater increase in real wages during this period, if he had been allowed to reap the full advantage of his economic position in the country, without having to meet the competition of vast numbers of foreign laborers? The answer to this question must rest upon pure theory, as its statistical proof would involve a re-enactment of past history, which is a manifest impossibility (pp. 301–302).

In other words, the search after evidence in support of the claim that immigration has reduced the wages of the American workman has failed; on the contrary, it appears that real wages have somewhat risen. There remains nothing but to retire to the realm of "pure theory" and to reflect upon "what would have happened," however "profitless" and even "perilous" this pursuit might be. One who would indulge in it must meet the conclusion reached by some investigators (including the experts of the immigration commission), that immigration has raised the native and older immigrant workers to a higher place on the scale of occupations. Professor Fairchild, however, finds it "hard to see how anyone can seriously hold this opinion. . . . The question is, are there as many native workmen in high positions as there would have been in all positions if there had been no immigration?" (p. 308) And it appears to him "much more reasonable to believe that while a few native workers have been forced up, a vastly larger number are working side by side with the immigrants and earning approximately the same wages" (p. 308). That this belief is unfounded, however, "is attested by the uniformly superior earnings received by the native born as compared with the foreign born, or the old immigrant as compared with the new" (p. 343).

The shifting of the source of the immigrant labor supply from northern and western to southern and eastern Europe is commonly cited as evidence of "altered conditions in the United States which make it less attractive to the residents of the more advanced nations of Europe than formerly" (p. 143). And the cause is assumed to be "that when the representatives of more backward countries, representing a lower standard of living and of industrial demands have once begun to come, the members of more advanced races cease coming" (p. 133).

"The immigrant from England, Ireland, Germany, or Sweden no longer finds his lot so much easier here than at home," because "the United States has now its own problems of congestion, pauperism, and competition of labor" (p. 133).

This explanation implies that the condition of labor in the United States must have grown worse—not merely relatively, but absolutely—than in the eighties of the past century, when immigration from those countries was at its height. Yet, as stated, the author himself shows that the real wages in the United States have somewhat increased since that period. If we go as far back as 1835, we find that "the dangers of pauperism" and "congestion in cities" were "well set forth," in what Professor Fairchild considers a "convincing article," among "the disadvantages of immigration" of that early day (p. 69). So it does not appear that conditions in this respect have deteriorated in the United States. On the other hand, it must be borne in mind that in the forties and fifties the Germans "left their home primarily for political reasons" and the Irish "emigrated because of economic disaster" (p. 88), both of which causes have since disappeared. So, if we consider that, "the home ties are very strong" with man and "that the cause of a migratory movement must be a powerful one" (p. 4), the decline of Irish and German immigration will at least in part be accounted for. If the author had turned his attention to the economic development of northern and western Europe, he could not have failed to observe the vast improvement of the condition of labor in those countries. Moreover a portion of the earlier immigration from Germany and the Scandinavian countries was directed toward the agricultural sections of the northwest.

But "as the amount of unappropriated and unsettled land diminishes, the need of new settlers also diminishes" (p. 370). And within the past thirty years "the United States has changed from an agricultural to a manufacturing and commercial nation" (p. 373). It is, therefore, obvious that the decline of immigration from northern and western Europe is due to other causes than immigration from southern and eastern Europe.

In fact, however, it is not only immigration from southern and eastern Europe that is undesirable, but the United States could have dispensed with all immigration in the past: "the imposing weight of authoritative opinion" (p. 216) holds with Gen. Francis A. Walker that immigration has not increased the population of the United States, but has merely substituted foreign for native stock. To be sure, all the "authorities" relied upon by Professor Fairchild merely quote General Walker; so unless the accuracy of a scientific proposition is determined by the number of persons voting for it, the authority of General Walker's endorsers must be dismissed. Moreover, "the proposition . . . is absolutely incapable of mathematical proof" (p. 342). On the other hand, the author is evidently unfamiliar with the later studies of Professor Willcox, which have completely disproved General Walker's theory.

Is there at present, however, any "real need of further immigrants" for the United States? The author believes that there is not (p. 431). He cannot see how there could be any shortage of labor "in a nation, the majority of whose citizens are healthy and intelligent" (p. 344). Still, "there is no doubt that at present a large portion of our industry—possibly the greater part—is closely dependent upon a foreign labor supply, and that a sudden cessation of immigration would check the expansion of those industries. . . . It seems wholly probable that the development of the country would be retarded for a time if the immigration current was stopped" (pp. 391, 392).

What then shall be the immigration policy of the United States henceforth?

The fact—if such it be—that immigration in the past has worked no injury to the nation, and has resulted in good to the immigrants, by no means indicates that a continuance of past policy and practice in the matter will entail no serious evil consequences, nor bring about disaster in the future (p. 380).

Immigration being "a part . . . of the dispersion of the human race over the surface of the earth" (p. 1), it would follow that if it is to be checked, though past experience does not justify any apprehension, the burden of proof is on the restrictionists to show that immigration is likely to "bring about disaster." We are told, however, that "only a prophetic vision could state with assurance what those results would be" (p. 432). Since the "evil effects" of immigration are "to be developed mainly in the future rather than existent at the present time" (p. 431), would it not be wiser to leave the regulation of immigration to the future, rather than to tinker with it at present, so long as its evil effects are non-existent except, perchance, in the mind of a prophet?

Isaac A. Hourwich.

New York City.

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The Problem of Immigration in Massachusetts: Report of the Commission on Immigration. 1914.

In the spring of 1913 the state of Massachusetts, through its governor, appointed a commission on immigration, the duty of which was to "make a full investigation of the status and general condition of immigrants within the commonwealth." The volume in hand embodies the report. Compared with the ordinary commission report it presents several remarkable features. Not the least surprising of these is the statement that of the $15,000 appropriated for the work of the commission $2,500 remains unspent. Much more important is the critical, analytical, and descriptive character of the discussion, in contrast to the mere presentation of masses of undigested

facts and opinions typical of so many official documents.

The key-note of this report is social responsibility. The lesson to be drawn from every page is that the commonwealth of Massachusetts must awaken to the necessity of devoting thoughtful and purposeful attention to the life and activities of her alien population, not alone for the welfare of the immigrants themselves, but for her own future safety and stability. In the past it appears that Massachusetts has shared the tacit faith of the rest of the nation that if our immigrants are selected with sufficient care, no further consideration need be given to them, but by some beneficent unseen force their lives will be overruled to promote their own happiness, and the progress and prosperity of this nation. Two or three of the more enlightened states have already abandoned this short-sighted policy, and established agencies for the official care and protection of the alien. The commission makes it emphatically plain that Massachusetts cannot afford to remain inert and indifferent.

The commission, in its search for the facts of immigrant life, has followed the alien into his home, his school, and his place of work, in short, into almost every department of his life in society. All sorts of sources of information have been utilized, and many personal history schedules were compiled. The chapters of the report give a series of pictures—so vivid that one is tempted to call them moving pictures—of the lives of the foreign residents of the state. In all too many cases these pictures reveal conditions of degradation, exploitation, oppression, hardship and meager opportunity which no enlightened state can contemplate calmly. The general conclusions harmonize closely with those of the federal immigration commission. But the deductions which follow from these conclusions are much more positively stated, and the recommendations are more complete and carefully worked out than those of the federal commission.

These recommendations are presented in the first part of the volume, and include a long list of specific propositions, designed to secure improvements in the education of the immigrants, both adults and minors, in their naturalization, distribution, agricultural opportunities, housing conditions, physical and moral well-being, and civil and economic rights. It is impossible to present a summary of these recommendations. No person who desires to grasp the real significance of the immigration situation in this country can afford to forego a careful study of this enlightening report.

Henry Pratt Fairchild.
Yale University.

Prostitution in Europe. By Abraham Flexner. Introduction by John D. Rockefeller, Jr. New York: The Century Co. 1914.

The conclusions reached by Abraham Flexner in his study of prostitution in Europe are particularly significant in view of the fact that he entered upon his investigations with an unprejudiced mind. This is vouched for by Mr. Rockefeller himself, as head of the Bureau of Social Hygiene, for which this study was made: "Mr. Flexner had no previous opinion to sustain; he was given no thesis to prove or disprove." Had he been a regulationist or abolitionist, a moralist or a prohibitionist, a philanthropist or a labor agitator, his observations would bear the imprint of his preconceptions. The reader is impressed by the impartiality of his examination into European conditions with regard to the social evil. That is the first recommendation to be offered.

In the second place, this volume is comprehensive in scope. It deals with the nature of modern prostitution as compared with earlier phenomena; factors affecting both supply and demand; why regulation has been attempted and how it operates; the comparative control of the evil by regulatory or abolitionist methods; the standards set in sex relations by European public opinion; the extent of sex education in the schools; the position of a morals police; the relation of boards of

health to the problem; and the two views of prostitution—as a vice and as a crime.

It is at once apparent that Dr. Flexner sees no advantages in regulation. On the contrary it is depicted as a positive fomenter of disease. Such a study as this is particularly needed owing to the prevalence of the vaguest ideas of what regulation, segregation and abolition really mean among those who have had only chance reports, hearsay and newspaper accounts to rely on for information.

The subject of prostitution is still a controversial one and discussion centers about causes, the commercial aspects and remedies. Doctor Flexner's observations have given him decided opinions on all these mooted questions which he supports by evidence.

Feminists will be gratified by his frank and strong declaration that "much of what has been viewed as physiological is undoubtedly social. In the first place, however strong the spontaneous sex-impulse may be, it is like any other impulse—capable of restraint through the cultivation of inhibitions. Europe has been a man's world, managed by men and largely for men—for cynical men, at that—men inured to the sight of human inequalities, callous as to the value of lower-class life, and distinctly lacking in respect for womanhood, especially that of the working-classes. . . . Women, whose influence might have been exerted restrainingly, have been trained not to pry into the prematrimonial records of their husbands. . . . Continental Europe traditionally condones incontinence on the part of the male sex. No single cause accounts for this phenomenon; but certainly among the most important factors is not only the existence of a powerful instinct in man, but also the extent to which its indulgence is facilitated by the low social status of woman." It is this appreciation of the dominance of the male that explains the punishment of the woman for soliciting when the advances of the men on the streets are ignored. Doctor Flexner was impressed by this discrimination, among others, in Europe. He further indicates that prostitutes are not all female as homosexuality exists to an appalling degree.

While admitting that the task of developing continence in nations habituated to indulgence is one of inexpressible difficulty, Doctor Flexner believes that the woman's movement in Germany will unquestionably destroy the passivity of its women in respect to masculine irregularities. Certainly the influence of a book like that from the pen of Chrystabel Pankhurst, "Plain Facts about a Great Evil," with its war cry of "votes for women and chastity for men" is incalculable in its influence upon the point of view of wives and daughters, at least, and this book is circulating extensively in Europe as in the United States.

Dr. Flexner is no less positive in his position on prostitution as an industry with well-defined commercial aspects. In this connection, he says: "Inclination on the one hand, need on the other, are among the factors that will assist us to understand the problem; but a fundamental and antecedent condition is the existence of a market, clamoring for wares of a particular kind and furnishing an opportunity for the forced sale of such wares as do not themselves immediately find buyers. . . . Every tolerated focus, through the existence of which third parties benefit, soon becomes a vested interest, actively engaged in whipping up demand and supply, reacting upon each other." Equally with tuberculosis causation, the blame here is put upon living conditions and statistics are given amply to support the contention that the traffic is largely recruited from the "unskilled daughters of the unskilled classes."

When it comes to a presentation of remedies, Doctor Flexner, like all advanced reformers, lays emphasis on prevention. Results are not claimed to be slower thereby because it is difficult to enumerate results which are an outgrowth of direct legislative control. As preventive work, certain lines of activity are suggested: the provision of wholesome recreation, improvement of conditions of labor and living, awakening of women to

their social status, control of the liquor business, the single standard of morals and equal punishment and examination for the lax of both sexes, the undermining of the idea of male incontinence as a physical necessity, and proper sex education. "Suffice it to say that every effort in social and economic reform, education, and sanitation has tended to reduce the number of prostitutes and to strengthen the resistance of those exposed to danger." The fascination and curse of the great city are shown to make the problem infinitely complex and the rationalizing of human life and endeavor becomes the great social work. "While the exact extent to which the anthropological factor is congenital defect or only imperfect education and protection remains as yet unsettled," the evidence is overwhelming that imperfect education and protection of the young are responsible for enough of the evil for us to be satisfied to deal with them without delay. Doctor Flexner would bid those remember, however, who seek to help, that the broken down home life which lies at the basis of the social evil is not an individual problem, but a social-economic one and that women must play an increasing part in their own regeneration.

MARY BEARD.

New York City.

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PUBLIC UTILITIES: THEIR COST NEW AND DEPRECIATION. By Hammond V. Hayes, Ph. D. Pages xii+262. New York: D. Van Nostrand Company. 1913.

This is a book on valuations written by a public utility engineer. The author sets out to lay special emphasis upon three points, namely, (1) that it is not the engineer's or the accountant's business to fix fair present value, but merely to present to the court or commission certain accurate sets of figures with the aid of which the value may be fixed; (2) that it is not so difficult to ascertain the original cost of a public utility as it has been considered to be; and (3) that depreciation is not a result of neglect but of age.

The author holds that six sets of figures should be presented to the valuation tribunal as bases for its final judgment as to what the true present value of the property is. These figures represent:

(1) Original cost of the entire property used and useful to the public at the time of the appraisal.

(2) Cost new at the present time of the same property.

(3) Loss in value of the investment arising from its years of service.

(4) Amount and market value of outstanding capitalization—stocks and bonds.

(5) Commercial or capitalized value of the business based on present and probable future earning power.

(6) The reasonable worth of the service to the public.

The author maintains that correct principles may be established by which competent experts will arrive at substantially the same results as to any particular set of figures. In this way, engineering and accounting estimates may be reduced to a scientific basis, and the element of opinion or judgment may be left almost wholly to be supplied by the commission or court in determining the relative weights to be assigned, under the peculiar circumstances of each case, to the various figures submitted. The body of this work is devoted to a lucid and helpful discussion of the technical principles to be followed in arriving at the several sets of figures referred to.

In the final paragraph of the book, the author says: "The only conclusion that can be obtained from a study of the subject of valuations of public utilities is that, apart from the appreciation in values which has been termed the unearned increment, the courts intend that the basis of return to the stockholders of public utility undertakings shall be the money properly invested by the undertaking and used by it for the benefit of the public. In most cases, the courts cannot tell whether the sums of money represented by the securities were actually invested in the property; they do not know whether the money was honestly

expended in the construction of the property; they do not know whether a large portion of the property representative of the stockholders' investment has not already passed out of existence; and lastly, they cannot tell whether the same property could not be acquired more cheaply at the present time than when it was purchased. It is for the purpose of determining what sums of money have been properly invested by the undertaking in its property and whether there is that value still remaining in the property that all of the sets of figures described in this study are required by the court."

The book is well worth careful reading.

DELOS F. WILCOX.

New York City.

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THE THEORY OF SOCIAL REVOLUTIONS. By Brooks Adams. New York: The Macmillan Company. 1913. $1.25.

The author assumes as the basic proposition in his thesis that our social system, if it is to cohere, must be reorganized. Twentieth century society differs in kind from all that has gone before. Through applied science infinite forces have been domesticated, and the action of these infinite forces upon finite minds "has been to create a tension, together with a social acceleration and concentration . . . . " quite unparalleled in previous history. "Meanwhile our laws and institutions have remained, in substance, constant." As a result, society has been squeezed from its rigid eighteenth century legal shell into a fourth dimension of space, "where it performs its most important functions beyond the cognizance of the law." It is in the conflict between the present-day social forces and the actual facts in present-day society on the one hand and static laws, constitutions and judicial procedure on the other, that the social equilibrium will be overthrown. The American courts, through assuming power to declare the acts of legislatures null and void, because contrary to written constitutions, have not only dislocated scientific legislation, but have necessarily cast the judiciary into the vortex of civil faction, and thus have degraded it in the popular esteem. The conviction among the American people seems to be growing that "justice is not administered indifferently to all men, wherefore the bench is not respected with us, as, for instance, it is in Great Britain where law and politics are sundered."

The author reviews the various decisions through which the supreme court of the United States has overthrown congressional and legislative acts, and concludes that these cases show that "no court can, because of the nature of its being, effectively check a popular majority acting through a co-ordinate legislative assembly. . . . The only result of an attempt and failure is to bring courts of justice into odium or contempt, and, in any event, to make them objects of attack by a dominant social force in order to use them as an instrument, much as Charles II used Jeffreys." The very constitution of a court, if it be a court calculated to do its legitimate work upon a lofty level, precludes it from keeping pace with the social movements of the times. Hence the courts must take themselves entirely out of such questions and thus make the legislatures the arenas of political combats. Legislatures are intended to be the forum for political conflicts and for that reason cannot be trustworthy courts. Under our system, courts have become legislatures and for that reason cannot be trustworthy courts. Of the two diseases, the latter is the more insidious because it undermines order; while legislative murder and confiscation induce reaction.

The danger in the present situation, with its outlook toward revolution, is that the classes in control, more specifically the capitalistic classes, may attempt to use the courts for protecting or attaining their ends, without undue respect for public opinion and the social tendencies of the times. In assuming an unyielding position, these classes will place themselves in exactly the same untenable position as the aristocrats of France placed

themselves in at the beginning of the French Revolution when they would make no compromise whatsoever with the rising demands of the democracy. Unless capital can in the immediate future rise to an appreciation of diverse social conditions, rise to higher levels of political sagacity, "far higher than it has attained within recent years, its relative power in the community must decline. If this be so, the symptoms which indicate social disintegration will intensify. As they intensify, the ability of industrial capital to withstand the attacks made upon it will lessen, and this process must go on until capital abandons the contest to defend itself as too costly."

Such in effect is the unity of thought running through this volume. Why the volume should be entitled "*The* Theory of Social Revolutions," it is difficult to see, other than that, as with all men, the author concludes that his own analysis is *the* analysis. He takes refuge for illustrations in that prolific field for all who have tenets to uphold—the French revolution. His analysis, however, tends to be quite conclusive in showing that the courts when assuming powers to declare legislative acts unconstitutional become political courts and hence must be held in control, and will be as powerful in destroying those who take refuge behind them as they now are in giving protection to such refugees.

Clyde Lyndon King.

University of Pennsylvania.

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Problems in Political Evolution. By Raymond Garfield Gettell, 8vo. Cloth. 400 pages, Boston:—Ginn & Company. $2.00.

In this volume Professor Gettell follows his "Introduction to Political Science," with its accompanying "Readings in Political Science," by a more comprehensive study of the many problems arising in government, considered from an evolutionary standpoint. The book contains a wealth of references in the form of foot notes, voluminous quotations from many authors, and a fairly complete index. The typographical features of the volume are excellent and numbered paragraphs add to its value.

The work as a whole shows much painstaking care and tireless industry in presenting and contrasting the views of the many authors referred to or quoted. These are almost entirely English or American, so that the opinions presented naturally emphasize the view point of English speaking peoples.

Political problems are discussed under twelve main headings, each with its several sub-topics. In presenting each of these main headings historically, there is of necessity much repetition, perhaps inevitable in that method of treatment, but perplexing to the general reader. It is, furthermore, a serious question whether so many important subjects can be fairly or adequately presented in a volume of four hundred pages. So many problems, complex in their nature, are discussed that one gets the impression of "choppiness" and superficiality in treatment, owing to the necessity of economizing space and vocabulary. For that reason the author hardly does himself justice, since he must necessarily sometimes set forth highly debatable conclusions with a sort of finality.

Yet in the hands of a careful teacher, supplementing the text by the use of references and personal comment, the book ought to be an admirable text for college classes; or, as a summary of political development, it should prove helpful to the general reader interested in problems of theory and governmental organization.

Professor Gettell deserves great credit for his constant insistence on the historical method, on comparisons wherever possible, and on the many interacting relationships between the state and other great social institutions. His concluding sentences clearly set forth his general attitude towards evolutionary political problems. "No phase in political evolution may safely be assumed to be perfect and permanent.

Conservative and intelligent compromise and adjustment are essential for political progress."

J. Q. Dealey.

Brown University.

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The State. By Franz Oppenheimer. Trans. by John M. Gitterman. Pages v, 302. Indianapolis. Bobbs-Merrill Company. 1914. $1.25.

This book is a sociologico economic study of the origin and development of the state. Its material and historical examples are drawn largely from the writings of Ratzel, and its theory that state origin results universally from conquest follows Ratzenhofer and Gumplowicz. The author belongs to the school of writers that emphasizes the economic interpretation of history, but many of his generalizations are original and brilliant.

The general thesis of the book is as follows: there are two methods of securing wealth, production by means of actual labor and robbery by means of superior force. The state as a political organization results from the latter, forced subjection of the weak by the strong inevitably following the accumulation of wealth and the rise of economic differences. When capital is vested in land and other forms of realty the feudal state results, at first in the patriarchal tribal form, later in the more developed medieval type. When capital is vested in movable commodities the commercial state results. Of this form the independent city with its out-lying trading posts is typical. As a money economy develops and standing armies grow in size, a centralized government results, reaching its climax in the Roman empire. This was destroyed by the exploitation of slave labor. Later, when capital was vested in productive industries, the modern constitutional state was formed. In the future, through the increasing socialization of industry and the disappearance of private ownership of land, the political organization will become less and the economic organization more important. The final outcome will be a semi-socialistic "freeman's citizenship," in which class interests have entirely disappeared.

While decidedly one sided in its neglect of all factors save force in state origin and of all influences save the economic in political development, the book is an important study of certain phases of political evolution. The author errs in believing that the social contract theory of state origin is still seriously held (pp. 4–5), and in considering the political and the economic organizations of society as separable and antagonistic. The translation is unusually well done.

Raymond Garfield Gettell.

Trinity College, Hartford, Conn.

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Estudios de Derecho Administrativo par Domingo Villar Grangel—Studies in Administrative Law. By Domingo Villar Grangel, Doctor of Laws, College of Madrid. 294 pages. Madrid: Hijos de Reus. 1914.

Doctor Grangel has done a real service to students of municipal institutions in presenting a study of the origins of the Spanish municipality. The book is divided into four parts, the first dealing with the Spanish municipality, the second with the juristic personality of local institutions in Spain, the third with the principles of Spanish administrative law and the fourth with certain proposed changes in the administrative system.

In this work the author shows a wide acquaintance not only with Spanish conditions but also with other European and American systems. He has also evidently been a profound student of general jurisprudence. In reading this work, one is impressed with the highly organized system of administrative control that has been established over Spanish municipalities.

It is to be hoped that a series of monographs in English dealing with the development of municipal institutions in the different countries of Europe will be issued. The work of Doctor Grangel would furnish an excellent basis for a presentation of Spanish local institutions.

L. S. Rowe.

Philadelphia.

THE GARDEN CITY: A STUDY IN THE DEVELOPMENT OF A MODERN TOWN. By C. B. Purdom. 330 pages, with 4 colored pictures and 140 other illustrations. London: J. M. Dent & Sons, Ltd. New York: E. P. Dutton & Company.

It is the English garden city of Letchworth that Mr. Purdom celebrates in this beautiful volume, which commemorates the tenth anniversary of the founding of that famous community. "Unlike almost all modern towns in England and abroad, the garden city was not founded by some accident or for those merely commercial reasons peculiar to this age. It was founded like the old towns were founded—consciously, purposely, and for definite ends. It was designed with the object . . . of making town life tolerable to people who have come to hate it not merely as William Morris hated it because of its ugliness and grime, but becauses it is a menace to the vitality of the race. . . . I have tried to set down something of the romance that belongs to what may be regarded as an adventurous endeavor to create a new thing in English life."

So runs the preface to a comprehensive setting forth of what may be termed a humanitarian business enterprise that has notably succeeded. On 4,500 acres, seven times as large an area as the old walled-in city of London, that ten years ago had only a rural population, now live and work something over 8,000 people, in nearly 1,800 buildings, of an estimated value toward $3,000,000.

There is coöperative housekeeping, and in Letchworth women vote as well as work, wherefore no liquor is sold. A dozen or more industries flourish amid garden surroundings, and these workers live, not merely exist, in surroundings that seem too good to be true, for "fogs, smoke, slums, crowded areas and bad houses are not found here."

But it is not the function of the reviewer to tell what Letchworth is. The book does that, admirably, comprehensively, and beautifully; for the book itself was made in the garden city, where the Temple press of J. M. Dent & Sons does its great work. A special face of type, a page of perfect format, a singularly readable black impression, and illustrations of much excellence, go to make up a book that is a pleasure to read, even aside from its great civic value.

Those interested in a successful attempt to fight the evils of city life by making "the country" attractive, wholesome and comfortable to live in cannot do better than to get and read this inspiring volume.

J. HORACE MCFARLAND.

Harrisburg.

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VILLAGE IMPROVEMENT. By Parris T. Farwell, chairman of the Village Improvement Committee of the Massachusetts Civic League. 362 pages, 20 illustrations. New York: Sturgis & Walton Company. $1.00 net.

The saying, "God made the country, but man made the town," was intended to apply primarily to the city. We are all accustomed to the old idea that most ills of the city could be cured by removal to that vague land, "the country." Latterly, it has come to be known that the slight congestions of the country population which we call villages have, for the most part, a large share of the disadvantages of the city and of the country, and precious little of the advantages of either. Often with the merest rudiments of efficient government, with little civic spirit, scant resources, no provisions for beneficial recreation and a very low ideal—or no ideal—of life, the small community has sometimes provided us with definitely nasty slums, with sordid immorality, with a dull and dreary monotony of life that has made the city seem like heaven in comparison.

But better things have arisen. The first definite village improvement organization is credited to Stockbridge, Massachusetts, in 1853, and of its work Mr. Farwell tells in the excellent book of which the title heads this item.

"Village Improvement" is at once a library of record in small community bet-

terment, and a mint of definite suggestion as to what may be practicably undertaken. Mr. Farwell's twenty-five years of experience in work in small country towns has made him thoroughly acquainted with the problems to be met. Some of the chapter titles may be cited as indicating the breadth of the work: The value of natural beauty; a typical village improvement society; the home and its surroundings; the committee on trees and forestry; country roads and village streets and their furnishings; the country church and village improvement.

There are also chapters on parks, health, law and order, educational work, the public school, clubs, and play, and the appendix gives certain model constitutions, etc.

The work is to be commended as needed, definite, practical and logical.

J. Horace McFarland.

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The American Year Book: A Record of Events and Progress in 1913. Edited by Francis G. Wickware, under the direction of a supervisory board representing national learned societies. New York: D. Appleton & Company. 1914. $3.00.

This is the fourth issue of the American Year Book and is more complete and comprehensive than any of its predecessors. In other words, the various contributors as well as the editor are learning by experience how best to set forth in concise and graphic form the year's progress in history, politics, science and industry. While there may be those who prefer the alphabetical arrangement of material, nevertheless the topical arrangement has very considerable advantages. As in former volumes the department of municipal government is edited by the secretary of the National Municipal League. It deals with movements in municipal home rule, commission government, efficiency and research, municipal organizations, municipal accounting, housing, vice investigations and the social evil, police, graft, nuisances, and is concluded by a concise bibliography.

Official Record of the First American National Fire Prevention Convention. Held at Philadelphia, Pennsylvania, October 13–18, 1913. Compiled by Powell Evans, Chairman Philadelphia Fire Prevention Commission, Philadelphia, Pa. Paper, 6 x 9 inches; pages 541; illustrated.

Many of the broad phases of fire prevention were systematically considered at this convention and after careful deliberation short resolutions were drawn summarizing the consensus of opinion on the various topics. Among the fifteen set topics were such subjects as location, zones of danger, building construction, building codes, protection, education, insurance. The papers, discussions and resolutions under each topic are here printed. Considerable additional information is given in ten appendixes. The volume is well worth the modest price placed upon it and deserves wide circulation.

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St. Louis: A Civic Masque. By Percy MacKaye. Garden City, New York: Doubleday, Page & Company. $1.00 net.

This masque, in the words of the preface, is a contribution "to a distinctive art-form of the civic theatre, in its large scale aspects," as outlined in the author's recent volume.[1] Aside from any question of its literary merit, it is a distinct and interesting contribution to the dramatic teaching of civic ideals. Performed in St. Louis in June in connection with the civic pageant[2] it is a notable event in civic self-expression, and will undoubtedly be helpful in initiating a new era in civic self-expression, for it is designed primarily as a spectacle. It concludes with the cities banded together by love for the achievement of great ideals.

The stage directions and appended notes make of the volume a substantial contribution to civic uplift and pageantry.

[1] See National Municipal Review, Vol. III, page, 181.

[2] See National Municipal Review, Vol. III, page 401.

YEAR BOOK AND REGISTER OF THE PARISH OF TRINITY CHURCH IN THE CITY OF NEW YORK. Published by the Parish.

Under the administration of the Rev. William T. Manning, D. D., the work of Trinity Parish is of more than local interest and importance. Trinity Church is one of the largest land holders in New York and recently has awakened to its social and municipal obligations in this behalf. In this volume there is a striking article on "Trinity's Dwelling Houses," being the report of Emily Wayland Dinwiddie, who has been retained by the parish to act as social inspector of the dwelling properties belonging to it. Some idea of the scope of the work of this parish may be gathered from the fact that it requires 503 pages to recount the various activities.

PROCEEDINGS OF THE CANADIAN POLITICAL SCIENCE ASSOCIATION. 1913. 153 pages.

The Proceedings of the first annual meeting of the Canadian political science Association held at Ottawa, September 4–6, 1913, have been published. They contain a series of papers on city government in Canada, the discussion of which was opened by Prof. William Bennett Munro who considered "Boards of control and commission government in Canadian cities." Prof. Charles S. Potts of the University of Texas contributed an address on "Commission government in Texas."

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BOOKS RECEIVED

THE AMAZING ARGENTINE, A NEW LAND OF ENTERPRISE. By John Foster Fraser. New York: Funk & Wagnalls Company. $1.50.

AMERICAN CITIZENSHIP. By Charles A. Beard and Mary Ritter Beard. New York: The Macmillan Company. 1914.

CITY OF LONDON YEAR BOOK AND CIVIC DIRECTORY. 1914. London: W. H. & L. Collingridge. 5 shillings net.

CLEAN WATER AND HOW TO GET IT. By Allen Hazen. New York: John Wiley & Sons, In. $1.50.

THE COMMUNITY AND THE CITIZEN. By A. W. Dunn. New York: D. C. Heath & Company.

CORPORATE PROMOTIONS AND REORGANIZATIONS. By Arthur Stone Dewing, Ph.D. Harvard Economic Studies, Vol. X. Cambridge, Massachusetts: Harvard University Press. 616 pages. $2.50.

FORTY YEARS OF IT. By Brand Whitlock. New York: D. Appleton & Company. $1.50.

HEALTH IN HOME AND TOWN. By Bertha Millard Brown. New York: D. C. Heath & Company.

THE HISTORY OF THE DWELLING HOUSE AND ITS FUTURE. By Robert Ellis Thompson. Philadelphia: J. B. Lippincott Company. $1.00.

IMMIGRANT AND LIBRARY: Italian Helps, with lists of selected books. By John Foster Carr. New York: Immigrant Education Society. 35 cents.

THE IMMIGRATION PROBLEM. By Jeremiah W. Jenks and W. Jett Lauch. New York: Funk & Wagnalls Company. $1.75. Third revised edition.

LECTURES ON HOUSING. The Warburton Lectures for 1914. By B. Leebohm Rowntree and A. C. Pigou, Manchester: The University Press. 50 cents.

MANUAL OF ACCOUNTING, REPORTING AND BUSINESS PROCEDURE OF THE CITY AND COUNTY OF PHILADELPHIA. John M. Walton, City Controller. Issued by the city controller. 1913.

THE MECHANICS OF LAW MAKING. By Courtenay Ilbert. New York: Columbia University Press.

MODERN CITY PLANNING AND MAINTENANCE. By Frank Koester. New York: McBride, Nast & Company. $6.00.

MODERN INDUSTRY, IN RELATION TO THE FAMILY, HEALTH, EDUCATION, MORALITY. By Florence Kelley. New York: Longmans, Green & Company. $1.00.

THE PERSONALITY OF AMERICAN CITIES. By Edward Hungerford. New York: McBride, Nast & Company. $2.00.

PROCEEDINGS OF THE AMERICAN WATER WORKS ASSOCIATION, 1913. Published by the Association. J. M. Diven, Secretary, Troy, New York.

PROCEEDINGS OF THE FIFTH ANNUAL CONVENTION, LEAGUE OF KANSAS MUNICIPALITIES. Published by the League of Kansas Municipalities, Lawrence, Kansas. 75 cents.

PROGRESSIVISM—AND AFTER. By William English Walling. New York: The Macmillan Company. $1.50.

REPORT ON THE BUDGET OF EDUCATIONAL ESTIMATES AND EXPENDITURES, BOARD OF EDUCATION, CITY OF CHICAGO. Efficiency Division, Civil Service Commission.

A REPORT ON VICE CONDITIONS IN THE CITY OF LANCASTER, PENNSYLVANIA.

REPORT ON THE POLICE PENSION FUND OF THE CITY OF NEW YORK. Submitted to the Aldermanic Committee on Police Investigation by the Bureau of Municipal Research, New York.

THE SOCIAL EMERGENCY, STUDIES IN SEX HYGIENE AND MORALS. Edited by W. T. Foster. With an Introduction by Charles W. Eliot. Boston: Houghton Mifflin Company. $1.35.

STATE REGULATION OF PUBLIC UTILITIES—THE ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, MAY, 1914. Philadelphia: American Academy of Political and Social Science.

A TREATISE ON THE LAW OF PUBLIC UTILITIES OPERATING IN CITIES AND TOWNS. By Oscar L. Pond. Indianapolis: The Bobbs-Merrill Company.

TEACHING SEX HYGIENE IN THE PUBLIC SCHOOLS. By Dr. E. B. Lowry. Chicago: Forbes & Company. 50 cents.

VOLUNTEER HELP TO THE SCHOOLS. By Ella Lyman Cabot. Boston: Houghton, Mifflin Company. 60 cents.

THE YOUNG CITIZEN. By C. F. Dole. New York: D. C. Heath & Company.

DEPARTMENT OF REPORTS AND DOCUMENTS

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Miss Adelaide R. Hasse, *Chief of the Division of Documents, New York Public Library*

Associate Editor in Charge

General

Chicago, Ill. Civil Service Commission. Report on the investigation of prison labor and management of the House of Correction, City of Chicago, 1914. 66 p., illus. 8°. **Cc; Cj; Cm; Cs; Np; Sp.**

Civic League of Cleveland. Efficiency series. Report no. 3. The recorder's office. Report of the investigation made by the league in the interest of economy and efficiency. March, 1914. 25 p. **Cc; Cj; Cp; Np.**

Committee on Public Affairs, Chicago, Ill. First official report of the Committee on Public Affairs. March, 1914. 28 p. 8°.

Committee organized January 8, 1914; composed of about 150 women drawn from membership of various women's organizations in the city, to study and report upon county, municipal and educational affairs in Chicago. **Cs.**

Condomi Alcorta, Arturo. La Plata, ciudad industrial. La Plata, 1913. 178 p., illus. 4°. **Np.**

Hoben, Ernest Denis. Christchurch, New Zealand, faire tree-set "City of the Plains." Being some account of its public and municipal institutions. 1914. 94 p., illus. 8°. **Np.**

Address: Town Clerk, Christchurch, N. Z.

League of Texas Municipalities. Proceedings of the first annual convention. 1914. 38 p. 8°. **Np.**

Contains text of the addresses of the presiding officer, Hon. A. P. Wooldridge, mayor of Austin, of Prof. H. G. James, director of the Bureau of Municipal Research and Reference of the University of Texas on "The Function of Municipal Leagues"; of Prof. C. S. Potts, director of the Legislative Reference Bureau, University of Texas, on "The Place of Legislative Reference Bureaus in Government"; of J. J. Pastoriza, finance com-

[1] By arrangement with the Chicago School of Civics and Philanthropy and the St. Louis Municipal Reference Branch of the Public Library, the libraries of those cities will hereafter coöperate in the compilation of the bibliography printed in the National Municipal Review. The task of assembling the Chicago material has been undertaken by Miss Renée B. Stern of the Chicago School of Civics and Philanthropy. Mr. A. L. Bostwick of the St. Louis Municipal Reference Branch will assemble the material for St. Louis. The symbols attached to titles in the bibliography indicate the libraries which have reported the receipt of the title.

Explanation of symbols

Cc, Chicago, City Club Library
Cj, Chicago, John Crerar Library
Cm, Chicago, Municipal Library
Cp, Chicago, Chicago Public Library
Cs, Chicago, Chicago School of Civics and Philanthropy
Np, New York City, New York Public Library
Sp, St. Louis, St. Louis Public Library

In this connection it may be well to state that it is not the intention to include titles of annual reports in the bibliography, except in special instances. An annual report issued for the first time will always be included; as well as one issued in a changed form. An annual report containing unusual features will also be noted.

missioner of Houston, on the Somers system of tax valuation and the Houston method of assessment.

——. Texas Municipalities. No. 1, March, 1914. 23 p. 8°. **Np.**

Contents: The League of Texas Municipalities. Facts about Texas cities, 1913. Charter activity in Texas cities. State municipal leagues.

MACFARLAND, HENRY B. F. The nation's relations with its capital city. February, 1914. 23 p. 8°. **Np.**

A series of seven articles on the building of Washington and the establishment of a permanent system of government, reprinted from the Washington [D. C.] *Herald*. Mr. Macfarland was president of the Board of District Commissioners, 1900 to 1910.

MASSACHUSETTS. COMMISSION ON ECONOMY AND EFFICIENCY. Reorganization of boards and commissions having supervision and control of state institutions. Report submitted by Commission on Economy and Efficiency, February 7, 1914. Boston, Wright & Potter Printing Co., 1914. 63 p., plans, tables. 8°. **Cj; Cm.**

Approved March 27, 1914.

NEW YORK SHORT BALLOT ORGANIZATION. The abolition of the office of coroner in New York City. March, 1914. 17 (1) p. **Cc; Np; Sp.**

NOTTINGHAM, ENGLAND. Chamber of Commerce. Yearbook, 1914. First issue. 337 p., illus. 8°. **Np.**

ST. LOUIS, MO. City Plan Commission. Municipal institutions of St. Louis. Where to go and what to see. March, 1914. 48 p., illus., 5 maps. **Cm; Np; Sp.**

Accounting and Finance

CHICAGO, ILL. Bureau of Public Efficiency. The bond issues to be voted upon April 7, 1914. A statement to the voters of Chicago and of Cook County. 13 p. 8°. **Np.**

——. Civil Service Commission. Report on the budget of educational estimates and expenditures. Board of Education, City of Chicago, February 27 to April 8, 1914. 558 p. 8°. **Cc; Cj; Cm; Cs; Np.**

COOK COUNTY, ILL. Department of Finance. Classification of expense accounts. February, 1914. 43 p. **Np.**

LOS ANGELES, CALIF. Budget Committee of the City Council. Budget estimates of Los Angeles, for the fiscal year 1914–15. 63 p. 8°. **Np.**

NEW YORK CITY. Finance Department. Statement of the revenues and operation expenses of the city's water supply. May, 1914. Typewritten copy only seen. **Np.**

PHILADELPHIA, PA. Manual of accounting, reporting and business procedure of the city and county of Philadelphia. Effective January 1, 1914. Issued by the city controller. 66 p. 4°. **Np.**

Distributed on receipt of postage, viz., 6 cents.

SPRINGFIELD, MASS. Bureau of Municipal Research. Public affairs no. 1. The budget. 2 leaves. 4°. **Np.**

WESTCHESTER COUNTY RESEARCH BUREAU. County printing expenses. 1914. 23 p. **Np.**

Building Law

MILWAUKEE, WISC. Building ordinances of the city of Milwaukee. 208 p. 12°. **Cp; Cj; Np.**

Address: W. D. Harper, Inspector of Buildings Milwaukee, Wisc.

MINNEAPOLIS CIVIC AND COMMERCE ASSOCIATION. Report of the Municipal Committee on Limitation of Heights of Buildings. 1914. 31 p. 8°. **Cc; Np.**

NEW YORK CITY. Heights of Buildings Commission. Report. (New York City Record. March 26, 1914, p. 2660–69). **Cm; Np.**

Charters

BUFFALO, N. Y. Charter. An act to provide a charter for the City of Buffalo. Became a law April 7, 1914. Laws of New York. Chap. 217, 1914. 136 p. 8°. **Cm; Np; Sp.**

CLEVELAND, O. Civic League. *The Municipal Bulletin.* March, 1914. Non-partisanship and the new city charter. How the new charter is working. 23 p. **Np.**

COLUMBUS, O. Proposed charter for the City of Columbus. Prepared and proposed by the charter commission. Election day, Tuesday, May 5, 1914. 64p. **Np.**

DENVER, COL. Charter of the City and County of Denver. Framed by the second charter convention, 1904, and all amendments thereof to and including February 17, 1914. 1914. 225 p. 8°. **Np.**

HALIFAX, N. S. The Halifax city charter with the ordinances and by-laws. 1914. xi, 455 p. 8°. **Cm.**

NEW YORK STATE. Statutes. An act to authorize a city of the second or third class to adopt a simplified form of government. Approved April 16, 1914.

The "Murtaugh-Sullivan" bill, an optional city charter measure. It is applicable to all cities of New York State, except New York, Buffalo and Rochester, and permits the adoption, by referendum vote, of one of seven forms of charter outlined in the law. These include variations of the commission government and the city manager charters, as well as the more conservative mayor and small council scheme. All the charters are built on the short ballot idea, and all make provision for more concentration of authority in the executives than the average municipal charter does now. The bill was advocated by the State Conference of Mayors and the Municipal Government Association.

OLEAN, N. Y. The proposed charter for the City of Olean. Proposed by the Citizens' Charter Committee. Election day, June 30, 1914. Reprinted for the Chamber of Commerce, Olean, N. Y. 87 p. 8°. **Np.**

ST. LOUIS, MO. Outline of the main provisions of the new charter tentatively agreed upon by the Board of Freeholders, and a summary of what has been incorporated along these lines in other recent city charters. February, 1914. 15 p. **Cp; Cm; Np.**

——. Proposed charter for the City of St. Louis. Prepared by the Board of Freeholders. May, 1914. 76, x p. 8°. **Cp; Cs; Np.**

UPSON, L. D. A charter primer. 1914. 24 p. **Cm; Cc; Cs; Np; Sp.**

Prepared and published in response to requests for information as to the process of securing the Dayton charter.

Child Welfare

CHILD CONSERVATION LEAGUE OF AMERICA. Its plan and scope. 1914. 20 p. **Np.**

City Planning

CANADA. COMMISSION OF CONSERVATION. First draft of a town planning act. 1914. 16 p. 8°. **Np.**

CHENEY, CHARLES HENRY. What is City planning? from Oakland City Planning Committee. Bulletin no. 1. League of California Municipalities reprinted from "Pacific Municipalities," January, 1914. 7 p. 8°. **Cm.**

CITY CLUB OF BERKELEY. Berkeley Civic Bulletin, v. 2, no. March 14. **Cs; Np.**

v. 2, no. 8. March. City planning (II.) bibliography of material in the University of California and Oakland and Berkeley public libraries, compiled by Ella K. Walker of the University of California Library. p. 117–152.

FISHER, WALTER L., AND ARNOLD, BION J. Report to the Citizen's Terminal Plan Committee of Chicago. Chicago, 1914. 16 p., map. 8°. **Cm; Cp; Cs; Np.**

LANDSCAPE ARCHITECTURE. April, 1914. Vol. 4, no. 3. p. 81–132. Folio. **Np.**

A city planning and conservation number. Among the articles are the following on city planning: European City Plans and Their Value to the American City Planner, by W. Hegemann, p. 89–103. The Piazza del Popolo in Rome, by E. F. Lewis, p. 104–106.

NEW YORK CITY. Committee on the City Plan. Report submitting a resolution for the appointment of a commission

on building districts and restrictions. May 8, 1914. 5 p. 4°. **Np.**

Robert H. Whitten is Secretary of the Committee. Address: Board of Estimate and Apportionment, City Hall, New York City.

Oakland, etc., Cal. City planning exhibition,—presented by the Cities of Oakland, Berkeley, Alameda, Richmond and Piedmont, and by the American City Bureau of New York, New City Hall, Oakland, March 13 to 22, 1914. 16 p. 8°. **Cm.**

Pittsburgh, Pa. Pittsburgh Industrial Development Commission. Municipal improvements, recently completed, under construction, and provided for. 1913. 19 p., illus. 4°. **Np.**

The issues of this commission are extremely useful for municipal reference work. The commission also publishes a monthly magazine entitled *Development*.

Robinson, Charles M. The advancement of Alton, Ill. A general city plan study for the Board of Trade. January, 1914. 42 p., illus. **Cm; Cs; Np; Sp.**

St. Louis, Mo. City Plan Commission. Five possible locations and comparative cost of proposed river terminals. Report of the Commission. March 19, 1914. 7 p. **Cp; Cm; Np.**

The river front. Proposed unit terminals for boats and railroads. Report of the Commission. March 12, 1914. 8 p. **Cp; Cm; Np.**

Clean-up Movement

Cleveland, O. Citizen's Campaign Committee. Cleveland official bulletin. Clean-up campaign April 27–May 9, 1914. 4 leaves., illus. **Np.**

New York Public Library. Document Division. [A collection of clippings, circulars, letters, and magazine articles on clean-up movements, 1913-1914.]

The collection was made in April, 1914, for the use of a local civic body.

Comfort Stations

New York Association for Improving the Condition of the Poor. Comfort stations in New York City, a social, sanitary and economic survey, by the Bureau of Public Health and Hygiene of the Department of Social Welfare. Publication no. 80, 1914. 39 p., illus., charts. 8°. **Cc; Cj; Cm; Cp; Cs; Np.**

Courts

American Judicature Society. Bulletin 4. First draft of an act to establish a model court for a metropolitan district. March, 1914. 149, vii p. 4°. **Np.**

St. Louis, Mo., Circuit Court. Juvenile Division and Probation Office. A review of the St. Louis juvenile court for the five year period April 30, 1908–April 30, 1913. February 1914. 89 p. 8°. **Cp; Cs.**

Dance Halls

See Municipal Ownership.

Excess Condemnation

Great Britain. House of Commons. Mall Approach (Improvement) Bill. House of Commons Bill 82. Presented March 2, 1914. 7 p. f°. **Np.**

Expenditures for $1,500,000 are provided. The power of excess condemnation is conferred on the Westminster City Council.

Electoral Reform

See also under Charters.

Detroit, Mich. Public Library. Preferential voting; municipal ownership; selected bibliographies 1914. 14p. 12°. **Cj; Cp; Np; Sp.**

Great Britain. Statutes. Municipal Representation Bill. [House of Lords.] Bill 184. 1914. 22 p., folio.

The object of the bill is to allow municipal boroughs to adopt for their election a system of proportional representation. It does not extend to Scotland or Ireland. Price per copy, 3d.

New York Short Ballot Organization. The short ballot in the state of New York. March, 1914. 22 p., chart. 8°. **Cc; Cm; Np; Sp.**

Fly Extermination

City Club of Berkeley. Berkeley Civic Bulletin. v. 2, no. 11. May, 1914. p. 191–226. **Cc; Cm; Cp; Cs; Np; Sp.**

v. 2, no. 11. Housefly management. A discussion of the life history of the domestic fly, its dangers and methods for its prevention.

FELT, E. PORTER. Fundamentals in Fly Control. 1914. 14 p. Typewritten. **Np.**

Address delivered before the American Association for Promoting Hygiene and Public Baths, held in Newark, N. J., in May, 1914. Mr. Felt is State Entomologist of the State of New York.

SEINE, DÉPARTEMENT DE LA. Conseil d'Hygiene Publique et de la Salubrité. Compte rendu des séances. Année 1913. 852 p. 8°. **Np.**

Pages 114–140, 441–456 comprise reports on the result of a fly extermination campaign. Illus.

Gardens

TOLEDO, O. Toledo Art Museum. City beautiful campaign, 1914. The making and care of home gardens. 2 leaves. **Np.**

Government

BURLINGTON, VT. Annual message of the Mayor, James E. Burke. April 6, 1914. **Np.**

Mayor Burke makes a strong plea for the adoption of a commission form of government for Burlington.

CHASE, CHARLES P. City manager plan applied to Iowa. 8 p. (Iowa Engineering Co., Clinton, Ia. Monthly Bulletin, March, 1914.) **Np.**

CINCINNATI, O. Business Men's Club. The Optimist. Vol. 2, no. 9. March, 1914. **Np.**

No. 9. Special charter number. What the charter commission has accomplished so far. 24 p.

ILLINOIS. Law of Illinois relating to commission form of municipal government. Act of 1910 as amended. In force May 12, 1911. 1914. 63 p. 12°. **Np.**

NEW JERSEY. Commission appointed by the Governor to submit changes and amendments to the Walsh Commission Government Act. February 28, 1914. Report. **Np.**

Charles E. Bird, city counsel of Trenton, is chairman. The report has been seen only as a newspaper clipping kindly supplied by Mr. Bird.

REQUA, M. L. Efficiency in municipal and county government. An address delivered at a taxpayers' dinner, February 25, 1914. March, 1914. 15 p. **Cc; Cp; Cm; Np; Sp.**

Published as Report No. 12 of the Tax association of Alameda County.

SEATTLE, WASH. Annual message of George F. Cotterill, mayor, to the city council, January 5, 1914. 50 p., 1 leaf. **Np.**

This document is more than a message. It is a concise report of the year's operations of this the twentieth American city. Collectors should make a note of the fact that in June or July there is to be a special election in Seattle to vote upon a new charter.

WASHINGTON STATE UNIVERSITY. University Extension Journal. Vol. 1, no. 2, April, 1914. p. 41–88. 8°. **Cp; Np; Sp.**

Contains a bibliography on the city manager plan, p. 81–82.

Housing

CLEVELAND, O. Chamber of Commerce. A tenement house code. February 20, 1914. 35 p. **Cm; Np.**

Draft for a proposed code.

——. Department of Public Welfare. An investigation of housing conditions of Cleveland's workingmen. April, 1914. 34 p., illus. (Monograph series, No. 1.) **Cs; Cj; Np; Sp.**

GRAND RAPIDS, MICH. Ordinances. Housing ordinance of the City of Grand Rapids, Michigan. Passed February 24, 1914. 51 p. 24°. **Cs.**

IRELAND. Committee on Housing Conditions of the Working Classes in Dublin. Report and appendix. 2 vols. 1914. F°.

Report. 30 p., 5 pages of plates. Price 1s. 1d. Appendix. (Minutes of evidence, with appendices.) 393 p., illus. and fine map of the city of Dublin. Price, 4s.

MUNICH, GERMANY. Statistisches Amt. Wohnungsüberfüllung und ihre Bekämpfung in deutschen Städten. . . . München, 1914. 67 p., tables. 8°. **Cm.**

Einzelschriften Nr. 11.

NICHOLS, ROY T. A study of the causes of tuberculosis. Based upon the records of 250 cases of the tuberculosis dispensaries, and upon the housing records of the Bureau of Sanitation of the Cleveland Health Department. 1914. 14 p. 8°. **Np.**

Reprinted from the Monthly Bulletin, Ohio Department of Health, February, 1914.

SEINE, DEPARTEMENT DE LA. Conseil d'Hygiene Publique et de la Salubrité. Compte rendu des séances. Année 1913. 852 p. 8°. **Np.**

This volume contains considerable material on housing betterment in Paris. On pages 408–423 there is a report by M. Chérioux on the dwellings being constructed by the city in the Rue Émile Zole and the Rue Henri-Becque respectively. The report is accompanied by ground plans. A further report by a special housing commission is printed on pages 777–803. This report is accompanied by ground plans of nine houses, groups being constructed in various parts of Paris by the City Council.

Ice Plants

See Municipal Ownership.

Licenses

ST. LOUIS, MO. Ordinances. An ordinance relating to the licensing of all persons, firms, partnerships, corporations or associations engaging in the chattel loan business, fixing amount of license fee and providing penalty for violation of this ordinance. 2p. 12°. **Cm.**

——. Ordinance providing for the licensing and regulating of itinerant vendors of goods, wares and merchandise and providing penalties for the violation hereof. 2p. 12°. **Cm.**

Approved March 19, 1914.

Maps

See also Parks; do. Sewers. An excellent map of the city of Dublin is included in the Irish Housing Committee's report entered above under Housing.

STUTTGART, GERMANY. Plan der Haupt- und Residenzstadt Stuttgart. Scale 1: 15000 24½ x 27 inches. 1914. **Np.**

Address: Städtisches Vermessungsamt.

Markets

See Municipal Ownership.

Milk Supply

JONES, C. M. The milk supply of Minneapolis. A thesis prepared in the seminar in "Economic developments of the Northwest," and edited under the direction of Prof. E. V. Robinson of the University of Minnesota. 1914. 12 p. 8°. **Np.**

Bulletin 53, of the Minnesota State Dairy and Food Commission.

NEW YORK MILK COMMITTEE. Seventh annual report for the year ending December 31, 1913. 89 p., illus. **Np.**

Address: 105 E. 22d street, New York City. While it had been decided to omit mention of annual reports as a rule in this bibliography, there are annual reports which by virtue of the undertaking they represent, the exceptional nature of their contents, the demand for material of which there is a small supply, simply require to be included. This report belongs in such a class. The scope of its contents is far wider than its title indicates, and a copy ought to be in the library of every city promoting social betterment. And which city is not?

ST. LOUIS, MO. Ordinances. An ordinance to prohibit adulteration and misbranding of milk. Approved March 13, 1914. 12 p. 16°. **Cp.**

Municipal Labor Bureaus

See also Unemployment.

BERKELEY, CAL. Municipal Labor Bureau. Report of the superintendent of the bureau for the first quarter ending March 31, 1914. 2 p., typewritten. **Cp.**

Municipal Ownership

DETROIT, MICH., PUBLIC LIBRARY. Préferential voting; municipal ownership; selected bibliographies. 1914. 14 p. 12°. **Cj; Cp; Np; Sp.**

Auditoriums.

TAX ASSOCIATION OF ALAMEDA COUNTY, OAKLAND, CAL. A detailed estimate of the total cost of the erection of a municipal auditorium for the City of Oakland, Cal. May 14, 1914. 4 p., tables. Typewritten. **Cm; Np.**

Ice Plants.

WENTWORTH, JEANIE W. A report on municipal and government ice plants in the United States and other countries. December 15, 1913. 78 p. **Cp; Np; Sp.**

Markets.

BRIDGEPORT, CONN. Mayor. Message recommending passage of an ordinance creating public markets. May 18, 1914. Typewritten copy only seen. **Np.**

CHICAGO, ILL. MARKET COMMISSION. Preliminary report to the Mayor and Aldermen of the City of Chicago by the Chicago Municipal Markets Commission. Chicago, April 27, 1914. 55 p., diagr., tables. 8°. **Cj; Cm.**

Dance Halls.

CHICAGO, ILL. MUNICIPAL REFERENCE LIBRARY. Municipal dance halls. March, 1914. 10 p. 8°. **Ce; Cj; Cm; Cp; Cs; Np; Sp.**

Municipal reference bulletin no. 2.

CLEVELAND, O. Dance Hall Inspector. Report of regulation of the city's dance halls for the year ending December 31, 1913. 10 p. 8°. **Np.**

Noise Abatement

CITY CLUB OF CHICAGO. Less noise in Chicago. A condensed digest of the Chicago city ordinances on the reduction of noise. 1914. 2 leaves. 8°. **Cm; Cp; Cs; Np.**

Ordinances

Ordinances on specific subjects are entered under the subject.

KEENE, N. H. Ordinances as revised and passed March 17, 1914, together with the city charter, special legislation, rules of order of the city councils, and list of city officials from 1874 to 1914. 158 p. 8°. **Np.**

Pageantry

TANNER, VIRGINIA. The pageant of the little town of X. Preface by Walter Prichard Eaton. 24 p. 12°. **Cm; Cs; Np.**

Massachusetts Civic League Leaflets 1914, no. 10.

Parks

See also Recreation.

OMAHA, NEBRASKA. City Engineer's Office. Map of Omaha showing parks and boulevards and street railway tracks. 1914. 21 x 15 inches. **Np.**

Poor

BURNS, RIGHT HON. JOHN. Report of the Metropolitan Poor Law Inspectors' Advisory Committee on the Homeless Poor. 1914. 21 (1) p., folio. **Np.**

The Hon. Mr. Burns is President of the Local Government Board. Price per copy of the report 2½ d.

Port Development

CHICAGO REAL ESTATE BOARD COMMITTEE ON HARBOR AND RIVER IMPROVEMENT. The Chicago River door; shall it be closed or opened? May 6, 1914. 8 p. 8°. **Cc; Cp; Cs.**

A report of the Committee presented by John W. Alvord, May 6, 1914; including a petition to the Mayor.

—— ——. The report of the Committee, May 6, 1914. 12 p. 8°. **Cp; Cs.**

SEATTLE, WASH. The Port of Seattle Year Book. History and resources of the port of Seattle—annual reports of the port commission, port warden, harbor maps and miscellaneous information. 1914. 256 p., 4 leaves, 5 maps., illus. 8°. **Np.**

It may be useful to refer here to the second annual report of the Port of Seattle Commission for 1913. On pages 26–27 of this report is an excellent list of references on the port development activities of Seattle.

UNITED STATES. OFFICE OF CHIEF OF ENGINEERS. Reports on preliminary examination and survey of Los Angeles and Long Beach harbors, Cal., consideration being given to the question of coöperation on the part of local interests. April, 1914. 87 p., 1 map. 8°. **Cp; Np; Sp.**

U. S. 63 congress, 2d session, House doc. 896.

—— ——. Reports on preliminary examination and survey of Cleveland harbor, Ohio, including any plan for coöperation on the part of the city of Cleveland. April, 1914. 25 p., 1 map. 8°. **Cp; Np; Sp.**

U. S. 63 Congress, 2d session House doc. 891.

Public Utilities

American Telephone and Telegraph Co. Commercial bulletin no. 7. Governmental and private telegraph and telephone utilities: an analysis [of the speech of Hon. D. J. Lewis, comparing governmental and private telegraph and telephone utilities]. March 2, 1914. 95 p. 4°. **Cj; Cp; Np.**

The Hon. Mr. Lewis' speech referred to is printed in the Congressional Record of Dec. 22, 1913. This bulletin as well as Mr. Lewis' speech will be found useful for the tabulations of American and foreign telegraph and telephone tolls, numbers of communications, wages paid operators, etc. Copies of this bulletin may be had upon application to the American Telephone and Telegraph Co., 15 Dey street, New York City, attention C. I. Barnard, commercial engineer.

——. Comparative summary of laws relating to the regulation of telephone and telegraph companies by commission, in force November 1, 1913. Third edition; compiled by American Telephone and Telegraph Company. Boston, 1914. 710 p. 4°. **Cj; Cm.**

Boston News Bureau. The story of New York subways. 1914. 15 p. 8°. **Cp.**

Reprinted from the Boston News Bureau, Jan. 12, 1914.

Chicago, Ill. Comprehensive Subway League. Facts about subways, issued by the Comprehensive Subway League. Chicago, 1914. 15 p. 12°. **Cm.**

Cincinnati, Ohio. Code of franchises, published by direction of the Council of Cincinnati by Arthur Espy, City Clerk. Cincinnati, Roessler Bros., printers and publishers. 1914. iv. 456 p. 8°. **Cm.**

Hill, Nicholas S., Jr. Valuation of public utilities, by Nicholas S. Hill, Jr., . . . The Municipal Engineers of the City of New York. Paper. no. 87, presented March 25, 1914. 34 p. 8°. **Cm.**

Los Angeles, Cal. Street and Interurban Railway Lines. Report no. 1 valuation of Street and Interurban Railway Lines in the City of Los Angeles, California. Inventory and valuation of the Los Angeles Railway Corporation including the City Railway. Board of Public Utilities of the City of Los Angeles, January 8, 1914. 32 p., tables. 8°. **Cm.**

Minnesota Home Rule League. Regulation of public utilities in Wisconsin. An analysis of the system and the results. 1914. 46 p. narrow. 8°. **Cc; Cp; Np.**

An indictment of the Wisconsin system of public utility regulation.

New York State. Public Service Commission for the First District. Regulation of public service companies in Great Britain with supplemental chapters on the Boston sliding scale and Toronto auction sale and maximum dividend plans, by Robert H. Whitten. Public Service Commission for the First District. New York City, 1914. 231 p., tables. 8°. **Cm; Cj; Np; Sp.**

New York State. Senate. Preliminary report of the joint committee of the Senate and Assembly to investigate and examine into telephone, telegraph and other forms of electrical communication. March 20, 1914. 11 p. 8°. **Cm; Np.**

Senate doc. 54, 1914.

Newcomb, George E. Subways in loop district are impracticable. Chicago, January 31, 1914. 12 p. 12°. **Cp.**

Providence, R. I. City Council. Report of the Joint Special Committee on Subways and report of Engineer William W. Lewis, together with proposed resolution and draft act to provide rapid transit in the city of Providence. 1914. 66 p. 8°. **Cp.**

Rosemond, Mary M. Select list of references on the valuation of public service corporations, compiled by Mary M. Rosemond, Legislative Reference Assistant of the Iowa State Library at request of Committee on Railroad Taxes and Plans for Ascertaining Fair Valuation of Railroad Property of National Association of Railway Commissioners. 25 p. 8°. **Cm.**

Ohio. Public Utilities Commission. Proposed standards and regulations for gas service in the state of Ohio. April, 1914. 2 leaves. **Np.**

At the time of writing, this matter was still in abeyance.

Pennsylvania. Public Service Commission. Municipal contract docket no. 1. In re petition of Schuylkill Light, Heat and Power Co. for approval of an ordinance of the Borough of Ashland. Decided April 9, 1914. 6 p. 8°. **Np.**

United States. District of Columbia Committee (House). Street railways in the District of Columbia. Hearing on H. R. 7896. 1914. 141 p. **Np.**

——. Post Office Department. Government ownership of electrical means of communication. Letter from the Postmaster General transmitting a report prepared by a committee of the Post Office Department. January 31, 1914. 148 p. 4°. (63 Cong., 2 sess. senate doc. 399.) **Np.**

On p. 50–51 there is a graph showing the comparison of subscribers' annual telephone rates for 60 American cities under competition and monopoly; on p. 74–75 there is a tabulation of population and telephone tariffs as of December, 1912, for the same 60 cities.

University of Iowa. Extension Division. Bureau of Municipal Information. Rate-making for public utilities by Wm. G. Raymond, 1914. 14 p. 8°. **Cc; Cj; Np.**

University Extension Bulletin no. 2, May 2, 1914. New series no. 76.

Purchasing Systems

Baltimore, Md. Bureau of State and Municipal Research. The purchase of coal by institutions. Issued May 4, 1914. General discussion of Baltimore city contracts. Recommendations and standard specifications. App. I. The single standard of coal valuation. App. II. The bonus system of wages. 66 p. **Np.**

This is report no. 10 of the bureau. Address: 728 Equitable Building, Baltimore, Md.

Cleveland, O. Ordinances. Ordinance no. 31783 A–A. An ordinance to establish rules and regulations for making purchases, contracts and sales. Approved January 22, 1914. Slip form. **Np.**

Recreation

See also Parks.

Playground and Recreation Association of America. Indianapolis recreation survey, prepared for the Indianapolis Chamber of Commerce, January–March, 1914. 60 p. 8°.

Schools

Bureau of Municipal Research, Dayton, O. Over-age and progress in the public schools of Dayton. Made in coöperation with the Ohio State School Survey Commission. April, 1914. 46 p. **Cc; Cm; Cs; Np; Sp.**

Cleveland, O. Chamber of Commerc Industrial education in the Cleveland public schools. A report with recommendations by the Committee on Education of the Chamber of Commerce. Approved April 13, 1914. 7 p. 8°. **Np.**

Municipal University of Akron. College of Engineering. Coöperative plan. Announcement for 1914–1915. 19 p. 8°.

First announcement. The school year opens September, 1914.

Sewers

Omaha, Nebraska. City Engineer's Office. Sewer map of Omaha. 1914. 21 x 15 inches. **Np.**

Signs and Billboards

Providence, R. I. An ordinance to regulate the construction of signs over sidewalks. Approved April 17, 1914. 2 leaves. **Np.**

Smoke Abatement

The Industrial World, of February 2, 1914, is an annual smoke prevention review number.

Benner, Raymond C. Papers on the effect of smoke on building materials. 1913. 58 p. (Mellon Institute of Industrial Research, Smoke Investigation bulletin no. 6.) **Cm; Cp; Cs; Np; Sp.**

Cleveland, O. Chamber of Commerce. Report of the Committee on Smoke Prevention. March 11, 1914. 7 p. 8°. **Cp; Np.**

Commercial Club, Salt Lake City, Utah. Report of a special committee to investigate the causes of the smoke

nuisance in Salt Lake City. April, 1914. 3 folios, typewritten. **Np.**

Outline of a course of procedure which should be pursued by the committee which actively takes up the matter of smoke elimination.

Snow Removal

FETHERSTON, JOHN T. Clearing streets of a snowbound city. (Engineering Record, March 28, 1914, p. 352–355, illus.)

Mr. Fetherston is Commissioner of Street Cleaning; New York City. The report here listed was prepared for the Philadelphia Snow Removal Conference.

ROURKE, L. K. Methods of handling snow in Boston. **Np.**

Typewritten copy only seen. Mr. Rourke is Commissioner of Public Works in Boston, Mass. The paper, of which the above is the title, was forwarded to the Philadelphia Snow Removal Conference, and had not, at this time of writing, been printed.

SHERRERD, MORRIS R. Snow removal as a field for engineering study. 1914. **Np.**

A paper read before the Snow Removal Conference in Philadelphia, in April, 1914. Typewritten copy only seen. Mr. Sherrerd is chief engineer of the Board of Street and Water Commissioners of Newark, N. J.

Social Betterment

CHICAGO, ILL. An ordinance recommended for passage by the Committee on Judiciary, State Legislation, Elections and Rules. Passed March 23, 1914. 1 leaf. **Np.**

The ordinance created a Department of Public Welfare, to include a Bureau of Employment operating a municipal lodging house for men and women respectively, and also charged with the collection of information relative to working conditions, wages, hours of labor, unemployment, etc., in Chicago. In addition to the Bureau of Employment there is established a Bureau of Social Surveys which is to collect data relating to the actual living conditions in Chicago, facilities for recreation, causes of vagrancy, crime and poverty.

DENVER, COLO. Social Welfare Department. First annual report for the year ending December 31, 1913. **Np.**

First report under the commission government. The Department of Social Welfare comprises the Election Commission (elected) and the offices of county superintendent of schools, coroner, commission of charities and corrections, library commission, health commission and market master and morals commission. The charities commission, in addition to the customary institutional activities, has charge of the municipal coal yard, the municipal lodging house, the municipal free employment bureau, and the operation of the mother's compensation act.

INTERCHURCH FEDERATION OF PHILADELPHIA. Commission on Social Service. Outline of a social service survey for the community. March, 1914. 12 p. **Np.**

Address the Secretary, Mr. Wm. B. Patterson, 406–407 Empire Bldg., Philadelphia.

INTERNATIONAL CONGRESS ON HOME EDUCATION, 4. Philadelphia, September 22–29, 1914. Tentative prospectus. 27 p. **Np.**

General Secretary: Mrs. J. Scott Anderson, Torresdale, Philadelphia.

Social Centers

UNITED STATES. District of Columbia. Committee (Senate). Regulating the use of public school buildings and grounds in the District of Columbia. Report to accompany S. 4316. March 30, 1914. 25 p. **Np.**

To promote the use of schoolhouses as social and civic centers. Pages 13 to 25 comprise Mr. Edward J. Ward's address before the National Education Association, at St. Louis, February 28, 1912.

Social Surveys

PENNSYLVANIA. Secretary of Internal Affairs. Part 3. Bureau of Industrial Statistics. Fortieth annual report, 1912. 1914. 497 p. **Np.**

In part two of this report, comprising pages 196–319, there is a series of "Sketches of special studies and investigations concerning industrial and sociological conditions of Corry and Union City, Hazleton, Huntingdon, Lewistown and Tyrone, Northumberland County, Sunbury, Northumberland, Milton, Mt. Carmel and Shamokin, Venango County, Oil City, and Franklin and Warren."

Streets

CITY CLUB OF MILWAUKEE. Communication to the Common Council of Milwaukee from the City Club of Milwaukee,

Committee on Street Lighting. Subject: The pending question of street lighting in Milwaukee. 1914. 4 leaves. 4°. **Np.**

CLEVELAND, O. Chamber of Commerce. Cleveland pavements. A report of the Municipal Committee of the Cleveland Chamber of Commerce. 30 p., 1 diagr. 8°. **Np.**

On page 30 there is a table showing the apportionment of cost of pavements in fifty American cities.

MUNICIPAL JOURNAL [of New York]. Street paving statistics; official figures from about 700 cities; amount of paving done in 1913; amount contemplated for 1914; etc. (Municipal Journal, March 5, 1914, p. 304–330.) **Cp; Cs; Np; Sp.**

UNIVERSITY OF IOWA. Extension División. Bureau of Municipal Information. Street Lighting by A. H. Ford. 1914. 15 p., plan. 8°. **Cc; Cj; Np.**

University Extension Bull. No. 1, April 25, 1914. New series no. 75.

Taxation

CITY CLUB OF MILWAUKEE. Increased taxes in Milwaukee 1904–1914. Their causes and their significance. 1914. 25 p. **Cc; Cj; Cp; Np; Sp.**

The result of an investigation by the civic secretary under the direction of the committees on county administration, school affairs, street paving, street sanitation, public buildings and bridges, sewerage and water supply, public health, and municipal finance and accounting.

ORMOND, WILLIAM C. Assessments for local improvements, by William C. Ormond. The Municipal Engineers of the City of New York. Paper no. 89, presented May 27, 1914. 32 p. 8°. **Cm; Np.**

ST. LOUIS, MO. Civic League. A plain statement to citizens and tax payers. April, 1914. 8 p. **Np.**

A pamphlet prepared by the Municipal Finance and Taxation Committee of the League, showing by numerous graphs, as well as directly worded text, the desirability of favorable action on the proposed new charter in order to obtain power to develop revenue-producing public services, to revise the assessing system, to get home rule in taxation, etc. Address: 911 Locust St., St. Louis, Mo. A similar report and chart for Minneapolis, prepared by the City Statistician, H. A. Stuart, is printed in the Minneapolis Daily News of May 5, 1914.

Traffic Regulation

CINCINNATI, O. Police Department. Rules and regulations of street traffic. April 1, 1914. 30 p. 16°. **Cp.**

CLEVELAND, O. An ordinance to regulate traffic on the streets. April 29, 1914. **Cm; Cs; Np; Sp.**

In Cleveland City Record, May 6, 1914, pp. 26–8.

NEW YORK STATE. State Department. Traffic regulations. Local ordinances relating to speed and traffic regulations; pursuant to the provisions of sec. 288 of the Highway Law of the State of New York. Albany, J. B. Lyon Company, 1914. 111 p. 12°. **Cm; Np.**

MASSACHUSETTS. Statutes. An act to prohibit the overcrowding of cars of street and elevated railway companies. January, 1914. 3 p. 8°. **Cm.**

House documents, 1914, no. 306. In this connection it may be of interest to refer to the decision filed on June 3, 1914, by Justice Swayze of the Supreme Court of New Jersey, upholding a passenger's refusal to pay on the ground that he had no seat in a street railway.

PHILADELPHIA, PA. Department of City Transit. Rapid transit development with universal free transfers. Reply of the Department of City Transit to proposals of March 25, 1914, by the Philadelphia Rapid Transit Co. April 7, 1914. 22 p. **Np.**

Transportation

NEW TRANSPORT CO., Ltd. London. Economic transport and the goods clearing house system; lecture delivered by Mr. A. W. Gattie, December 9, 1913. 19 p., illus., foldg. diagr. 8°. **Cc.**

Unemployment

See also Municipal Labor Bureaus.

CHICAGO, ILL. Mayor's commission on unemployment. Report. March, 1914. 175 p. 8°. **Cp; Cm; Cs.**

Vocational Guidance

The titles below are of course but a small portion of those published on this subject during the last quarter. The monthly bibliography bulletins of the federal Bureau of Education will give all the more important titles.

New York City. Board of Education. Report of a sub-committee of the Committee on High Schools and Training Schools on a plan of study of the matter of vocational guidance. April, 1914. (Minutes of the Board of Education, 1914, p. 856–923.) **Np.**

The report was ordered printed in pamphlet form, but has not been seen in that form by the compiler.

Roberts, W. M. The development of part-time education for apprentices in Chicago. 1914. 12 p. 8°. **Cj; Cp; Cs; Np; Sp.**

Reprinted from the Educational Bi-Monthly, February, 1914.

Water Supply

Commonwealth Club of California. Transactions, vol. 9, no. 1. February, 1914. **Cc; Cm; Cs; Np.**

No. 1. The bay cities' water supply. 96 p., 1 map.

Municipal Journal, New York. May 7, 1914. Water works statistics. Figures furnished by the superintendents of 500 water works plants, both municipal and private—consumption, meters, distribution system, purification methods. p. 656–673. **Cp; Np; Sp.**

Muskogee Water Power Co., Muskogee, Okla. The Grand River Dam. Contract and Ordinance. 1914. 8 leaves. 8°. **Np.**

Portland, Ore. Statistics relating to water works, municipal and private. Statements from 72 cities, population ranging from 50,000 upward. 1914. 11 p. Oblong 12°. **Np.**

In this connection, reference may appropriately be made to the tabulation of statistics of water supplies of 22 cities of California on p. 59 of the fifth annual report of the water department of San Diego, Calif., for the year ending December 31, 1913.

St. Louis, Mo. Public Service Commission. Report on the St. Louis water works. 1914. 200 p., maps, diagrs. 8°. **Cm; Np; Sp.**

The Commission no longer exists, this report, just issued, being its last duty. Copies are available through the Municipal Reference Library, City Hall, or from the Water Department, same address.

Weights and Measures

Chicago, Ill. Department of Weights and Measures. Specifications and tolerances for weighing and measuring apparatus in the city of Chicago. January 5, 1914. 20 p. 8°. **Cp.**

Zoning

Minneapolis, Minn. Ordinance designating a residence district within the City of Minneapolis. Passed April 24, 1914. **Np.**

Seen only as published in the Minneapolis Daily News of May 2, 1914. This newspaper prints the texts of ordinances and the council proceedings of the city currently in full. Subscription rate $2.00 per annum.

New York City. Report of the committee on the city plan of the Board of Estimate and Apportionment submitting a resolution for the appointment of a commission on building districts and restrictions. May 8, 1914. 5 p. 8°. **Cc; Np.**

Williams, Frank Backus. Building regulation by districts; the lesson of Berlin. April 1914. 9 p. 8°. **Cj; Cp; Cs; Np.**

National Housing Assoc. Publication no. 24.

THE MORTON DENISON HULL PRIZE

The NATIONAL MUNICIPAL LEAGUE, through the generosity of Hon. Morton Denison Hull of Chicago, has established an annual prize of Two Hundred and Fifty Dollars, to be awarded for the best essay on a subject connected with municipal government. The competition is open to post-graduate students who are, or who have been within a year preceding the date of the competition, registered in any college or university of the United States offering distinct and independent instructions in municipal government.

For the year 1914, the prize will be awarded for the best essay on any one of the under-mentioned topics:

1. The history of municipal government in the United States during either one of the following periods: (a) from the Revolution to the Civil War; (b) from the Civil War to the present time.

2. The charter and the practical workings of government in any American city having a population of 50,000 or over.

3. The legal problems involved in the home-rule charter, with special reference to the experience of those states in which the system has been in operation.

4. The actual operation of the following features in American municipal government: (a) the initiative and referendum; (b) the recall; (c) proportional and minority representation; (d) limited and preferential voting.

5. Public utilities' commissions, with special reference to the control of municipal public utilities in any state of the Union.

6. Municipal accounting and budget-making, with special reference to the actual results derived from the use of new and uniform methods.

7. The sources of municipal income in any state of the Union. (The study should deal with such matters as productiveness, cost of collection, and a general outline of each source. Competitors who think of choosing this subject should make sure that it has not been already covered by some published study, as, for example, in the case of Illinois).

8. The municipal charter system, whether general or special, in any state of the Union which contains at least two cities of more than 50,000 inhabitants.